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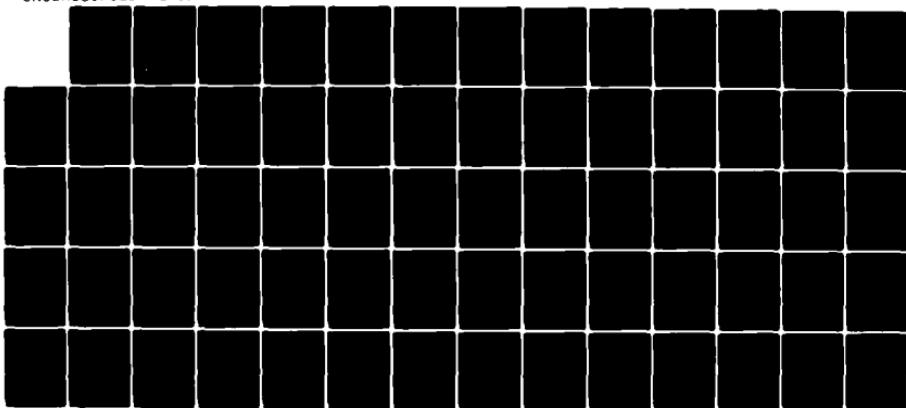
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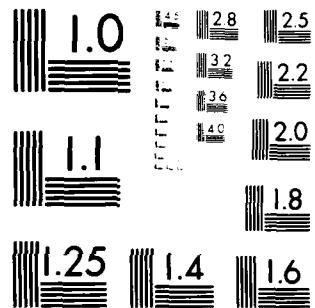
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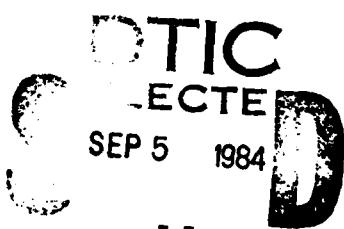
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BY THE U.S. GENERAL ACCOUNTING OFFICE
Report To The Chairman, Subcommittee On
Investigations, Committee On Post Office
And Civil Service,
House Of Representatives

Labor Contract Negotiations Under The
Civil Service Reform Act Of 1978

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This report describes the labor contract negotiations process under the Civil Service Reform Act and presents detailed data collected by GAO in a survey of management and union representatives.

GAO estimates that federal labor-management negotiations for 208 contracts that became effective in fiscal year 1982 cost agencies about \$7.6 million, involved about 337,000 staff hours, and took a median time of about 19 weeks.
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GENERAL GOVERNMENT
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B-214713



The Honorable William D. Ford
Chairman, Subcommittee on Investigations
Committee on Post Office and Civil
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House of Representatives

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Dear Mr. Chairman:

In response to your request, we have gathered information on three questions on the federal sector labor contract negotiations process under Title VII of the Civil Service Reform Act of 1978 (5 U.S.C. 7101, et. seq.). These questions are (1) how much does the negotiating process cost, (2) how many staff hours are involved in the process, and (3) how long does the negotiating process take?

Federal employees have the right to negotiate over all conditions of employment, except classification and legal restrictions on political activities, unless the conditions have already been restricted or defined by statute or regulation. Since economic items such as wages, retirement, insurance, etc., are defined in law for federal employees, most federal employees may not bargain over such issues. The scope of negotiations is, therefore, substantially smaller than in the private sector where all of the big economic items are mandatory subjects of bargaining.

The third-party neutral agencies have major responsibilities related to the negotiation process. The Federal Labor Relations Authority (FLRA) is responsible for determining what issues are negotiable and whether negotiations are carried out in good faith. The Federal Service Impasses Panel (FSIP) and the Federal Mediation and Conciliation Service (FMCS) provide assistance in resolving negotiation impasses. Also, the Office of Personnel Management (OPM) provides policy guidance, technical assistance, training, and information to federal managers on labor-management relations.

To develop the data on the costs, time spent, and length of labor-management contract negotiations, we surveyed the parties (management and unions) involved in initial or renewal basic contract negotiations and supplemental negotiations resulting in contracts that became effective in fiscal year 1982. We also interviewed management, union, and third-party neutral agency--FLRA, FSIP, and FMCS--officials and performed detailed audit work at the neutral agencies to obtain information on processing procedures and costs. (See app. I for more details on the scope of our work and our questionnaire methodology and apps. V and VI for the questionnaires we used.)

It should be noted that the negotiations addressed in this study (negotiations leading to the initial basic agreement, negotiations leading to a subsequent agreement, and negotiations of a local supplemental agreement to a basic agreement) are only a part of the total cost and time spent on negotiations by labor, management, and the third-party neutrals. We did not attempt to determine costs resulting from and time spent negotiating during the term of a contract.

The following agency cost and staff hour data are based on the management responses to our questionnaire survey:

Agency Cost and Staff Hour Data for 208 Contracts
that Became Effective in Fiscal Year 1982

| | <u>Management involvement</u> | <u>Union involvement</u> | <u>Total for agency</u> |
|--------------------------------|-------------------------------|--------------------------|---------------------------|
| Agency costs | \$5.1 million | \$2.5 million | \$7.6 million |
| Cost per contract | | | |
| Median | \$6,200 | \$2,600 | \$10,000 |
| Range | \$450 to \$934,000 | \$0 to \$462,000 | \$500 to \$1.4 million |
| Staff hours paid for by agency | 225,000 | 112,000 | 337,000 |
| Hours per contract | | | |
| Median | 290 | 140 | 420 |
| Range | 3 to 36,000 | 0 to 11,000 | 3 to 59,000 |

The detailed data presented in this report relates to the 208 contracts for which we received questionnaire responses. Although we have an 84 percent management response rate, we are

unable to project our response results to the entire universe of 249 contracts that became effective in fiscal year 1982.

In addition to the funds and time spent by the agencies, the unions spent some of their own funds and time for contract negotiations. Detailed union data is not presented, however, since the union questionnaire response rate was 51 percent and the data was not complete on all the responses.

We could not determine the actual costs and time incurred by the third-party agencies for the specific negotiations contained in our survey because of limitations in their systems for tracking workload and costs and our inability to specifically relate costs and time to the third-party information collected in our survey. (See app. IV for details.)

The negotiating time for the 208 contracts on which we received responses ranged from 0 (less than 1 week) to 221 weeks (4.25 years) with a median time of 18.8 weeks. This time was calculated from the first day of bargaining over the ground rules by which the contract negotiations were to be conducted to the day the final agreement was approved by the negotiators. (See app. III for details on cost, staff hour usage, and negotiation time frames.)

Appendix VII includes three case studies that your office requested to illustrate the contract negotiations process.

- - -

At the request of your office, we did not obtain agency comments on this report. As arranged with your office, unless you publicly announce its contents earlier, no further distribution of this report will be made until 10 days after its issue date. At that time, we will send copies to the Director, Office of Personnel Management; the Chairmen of the Federal Labor Relations Authority and the Federal Service Impasses Panel; the Director, Federal Mediation and Conciliation Service; and make copies available to others upon request.

We hope the information contained in this letter and in the appendices is helpful to your Subcommittee.

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Sincerely yours,

W.J. Anderson

William J. Anderson
Director

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ABBREVIATIONS

| | |
|------|--|
| CSRA | Civil Service Reform Act of 1978 |
| FLRA | Federal Labor Relations Authority |
| FMCS | Federal Mediation and Conciliation Service |
| FSIP | Federal Service Impasses Panel |
| GAO | General Accounting Office |
| OPM | Office of Personnel Management |
| ULP | Unfair labor practice |

GLOSSARY

| | |
|--|---|
| Agency shop | A provision which requires that all employees in the bargaining unit who do not join the exclusively recognized union pay a fixed amount, usually the equivalent of the union's dues, as a condition of employment. The agency shop is not legal in the federal sector. |
| Bargaining unit (single local unit) | A group of employees certified by FLRA as appropriate (i.e., has a clear and identifiable community of interest and promotes effective dealings and efficiency of operations) for exclusive representation by a labor organization for purposes of collective negotiations. |
| Basic agreement negotiations | Substantive bilateral negotiations over the basic labor agreement, including bargaining at the table and impasse resolution. |
| Ground rules negotiations | Negotiations over the rules by which subsequent contract negotiations will be conducted, including bargaining at the table and impasse resolution. |
| Impasse | A situation in the negotiating process in which the parties have become deadlocked over one or more issues. |
| Impasse resolution | The process and techniques used to resolve an impasse, including the services of FMCS, FSIP, and/or other third parties. |
| Local supplemental agreement | An addendum to a master agency/union agreement that is negotiated at the local unit level and reflects the needs of that individual unit. |
| Mediation | A form of impasse resolution in which a neutral third party tries to facilitate a voluntary agreement between parties on issues over which they are deadlocked. |
| Multi-unit | More than one bargaining unit which is covered by an agreement negotiated with the agency by a union representing the units covered. |

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| National consolidated/exclusive unit | Bargaining units within an agency which are consolidated for collective bargaining purposes and which are represented by a union having exclusive recognition at the agency level. A master contract is negotiated to cover all of these units. |
| Union shop | A provision that requires all employees to become members of the union within a specified time after hiring (typically 30 days), or after a new provision is negotiated, and to remain members of the union as a condition of continued employment. The union shop is not legal in the federal sector. |

OBJECTIVE, SCOPE, AND METHODOLOGY

This review is part of our effort to evaluate major aspects of implementation of the Civil Service Reform Act (CSRA) of 1978 (5 U.S.C. 7101). On October 7, 1982, the Subcommittee on Investigations, House Committee on Post Office and Civil Service, requested GAO to study the labor-management contract negotiations process under Title VII of the CSRA and identify those processes that show weakness and need for improvement. After some initial work, we met with the Subcommittee staff and explained that a general absence of empirical information would make an assessment of the negotiating process difficult. We agreed that our review should address three basic questions regarding federal sector negotiations: (1) how much does the negotiating process cost, (2) how many staff hours are involved in the process, and (3) how long does the negotiating process take? In addition we also requested other pertinent information relating to contract negotiations.

To obtain information on the length and cost of federal sector negotiations, we sent questionnaires to both union and management representatives involved in all federal negotiations, excluding those that included wage provisions, which resulted in labor contracts that became effective during fiscal year 1982. This period was selected because it was the most recent full fiscal year period prior to the initiation of our audit work in October 1982.

To obtain information on how the negotiation process works and the roles and responsibilities of the parties involved in negotiations, we interviewed officials from the Federal Labor Relations Authority (FLRA), the Federal Service Impasses Panel (FSIP), the Federal Mediation and Conciliation Panel (FMCS), the Departments of Defense and Labor, and the Office of Personnel Management (OPM) and representatives of national federal employee unions, including the American Federation of Government Employees, the National Association of Government Employees, the National Treasury Employees Union, the National Federation of Federal Employees, the International Association of Machinists and Aerospace Workers, and the Metal Trade Department of the American Federation of Labor and Congress of Industrial Organizations. We also interviewed the Director of Labor Management Relations of the U.S. Conference of Mayors and professors knowledgeable about federal sector labor relations at Georgetown University, Washington, D.C.; Cornell University, Ithaca, New York; and Syracuse University, Syracuse, New York. In addition, we performed detailed audit work at FLRA, FSIP, and FMCS to obtain processing cost information specifically attributable to neutral third parties.

We performed our work in accordance with generally accepted government auditing standards and conducted our field work from October 1982 through October 1983.

SAMPLE DESIGN AND PROCEDURES

To obtain data on the length and costs of federal sector contract negotiations, we surveyed management and union representatives who negotiated 206 basic agreements and 43 local supplements to basic agreements that became effective in fiscal year 1982, the most recent full fiscal year prior to our audit work. Since wages are not usually a negotiable issue in the federal sector, any contracts that included wage provisions were excluded from our study. We used agency data submitted to OPM's Labor Agreement Information Retrieval System to identify basic agreement contracts and confirmed the effective dates reported by OPM with management and unions. We relied on management and unions who negotiated basic agreements to identify local supplemental agreements to their contracts that became effective in fiscal year 1982.

We used separate questionnaires to gather data from management and union representatives. The management questionnaire covered several topics related to time and costs, including staff hours spent by agency personnel on the negotiations, official staff hours charged by the union, per diem paid to management and union personnel, other agency costs, and calendar time spent in various stages of the negotiations. The management questionnaire also asked about third-party involvement in the negotiations; the composition, background, and authority of management's negotiators; number of union negotiators; type and size of bargaining unit; and perceptions concerning the parties' labor-management relationship. (See app. V.)

The union questionnaire covered some of the same topics as the management questionnaire, including official time charged; union per diem and other costs paid by the agency; calendar time; third-party involvement; the authority of management's negotiators; and perceptions concerning the relationship. Questions specific to the union asked about union costs incurred in the negotiations for which they were not reimbursed; staff hours spent by union personnel in addition to official time; and the background and authority of union negotiators. (See app. VI.)

The survey was conducted from August through October 1983. To increase response rates, for the basic contracts we used three follow-ups, including a remailing of the questionnaire, followed by a mailgram reminder and a final telephone call. The initial mailing for the supplemental contracts was 3 weeks after

the questionnaires were mailed to parties who negotiated basic and master agreements. For practical considerations related to survey execution and assignment schedule, we did not follow up supplemental contract representatives with a remailing of the questionnaire. We used two follow-ups--a mailgram reminder and a final telephone call.

Agencies and unions were instructed to have someone knowledgeable about the negotiations complete the questionnaire. A person who was involved in negotiating the contract in some capacity filled out 94 percent and 88 percent of the returned management and union questionnaires, respectively.

Response rate

Questionnaire statistics and response rates for management and union are shown in the following chart:

Questionnaire Statistics

| <u>Respondent type</u> | <u>Universe size^a</u> | <u>Number responding</u> | <u>Response rate^b</u> |
|--|----------------------------------|--------------------------|----------------------------------|
| Basic agreements: | | | |
| Management | 206 | 171 | 83% |
| Union | 206 | 109 | 53% |
| Supplemental agreements: | | | |
| Management | 43 | 37 | 86% |
| Union | 43 | 17 | 40% |
| Combined basic and supplemental agreements: | | | |
| Management | 249 | 208 | 84% |
| Union | 249 | 126 | 51% |

^aNumber sampled = universe size = 206 basic agreements plus 43 supplemental agreements.

^bResponse rate = number responding divided by universe size.

As the table indicates, management questionnaires had a high response rate and unions had a relatively low response rate. Because of possible response bias, which would exist if nonrespondents differed from respondents on our questions, we did not project our survey results to all 249 contracts that became effective in fiscal year 1982. The detailed data presented in this report is limited only to the 208 contracts for which we received completed management questionnaires. We are more

APPENDIX I

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confident presenting detailed management data based on its 84 percent response rate than union data; since the union response rate was 51 percent, droping as low as 21 percent for certain cost questions.

CHARACTERISTICS OF RESPONSE UNIVERSE

According to the management responses to our questionnaire, the 208 contracts covered the following types of bargaining units and employees:

Number of Employees Covered by Type of Bargaining Unit

| <u>Category of employees covered</u> | <u>Single local unit</u> | <u>Multi-unit</u> | <u>National consolidated/ exclusive unit</u> | <u>Local supplement to multi-unit or national unit</u> | <u>Total</u> |
|--|--------------------------|-------------------|--|--|----------------|
| Wage grade General schedule (except professionals) | 32,345 | 8,097 | 37,973 | 10,388 | 88,803 |
| Professionals | 18,551 | 17,159 | 726,266 | 20,796 | 782,772 |
| Other | 2,879 | 2,759 | 7,208 | 802 | 13,648 |
| | <u>2,578</u> | <u>102</u> | <u>0</u> | <u>288</u> | <u>2,968</u> |
| Total | <u>56,353</u> | <u>28,117</u> | <u>771,447</u> | <u>32,274</u> | <u>888,191</u> |

According to the management questionnaire responses, unions initiated the request to negotiate for about 89 percent of the contracts and management initiated the request in about 11 percent of the cases. During negotiations, both management and union had on the average four individuals--one chief negotiator and three team members--serving on a negotiating team at any one time.

LABOR NEGOTIATIONS UNDER THE
CIVIL SERVICE REFORM ACT

The CSRA instituted for the first time in law a labor-management relations program for about 2 million federal non-postal employees.¹ The act provides guidance for conducting labor contract negotiations and delineates procedures for resolving disputes that arise from such negotiations.

LABOR CONTRACT NEGOTIATIONS:
AN IMPORTANT PART OF FEDERAL
LABOR-MANAGEMENT RELATIONS

The federal employee labor-management relations program has evolved under executive orders since 1962, when Executive Order 10988 was issued. The order specifically recognized the right of federal employees to join, or refrain from joining, employee organizations. Among other provisions, this order established procedures for granting recognition to organizations of federal employees, defined the scope of consultations and negotiations with employee organizations, and authorized the use of nonbinding arbitration of grievances.

In 1969, a review of the program by an Interagency Study Committee² recommended significant changes to meet the conditions produced by the increased size and scope of labor-management relations. These recommendations led to the issuance of Executive Order 11491 in 1969 which retained the principles and objectives of the previous order and provided the policy for federal labor-management relationships. Executive Order 11491 established a Federal Labor Relations Council as the central

¹The latest available data from the Office of Personnel Management shows that as of January 31, 1983, over 1.2 million non-postal employees in 63 federal agencies were represented by 98 labor unions and were organized in 2,422 bargaining units. Of these units, 1,993 are covered by 1,694 agreements. Labor-management relations in the Postal Service are governed by the provision of the Postal Reorganization Act (Public Law 91-375, August 12, 1970).

²This presidential committee, which consisted of the Chairman, Civil Service Commission; the Secretary of Defense; the Secretary of Labor; the Postmaster General; and the Director, Bureau of the Budget, considered the need for changes in the labor-management relations program.

authority for the labor relations program and provided for several third parties to assist in resolving federal labor-management disputes. In addition, the order authorized the use of binding arbitration of employee grievances and of disputes over interpretation or application of collective bargaining agreements.

The CSRA placed into law the rights and obligations of the parties to a collective bargaining relationship and established independent third parties to resolve disputes. In addition, the act established reserved management rights which paralleled current practice, authorized an expanded coverage for grievance arbitration, provided specific remedial authority and subpoena power, and spelled out in greater detail the obligation to bargain in good faith. It also incorporated organizational changes made by President Carter's Reorganization Plan No. 2 of 1978. These changes abolished the Federal Labor Relations Council and established FLRA, which is primarily responsible for administration of the program. The plan also provided for the continuance of FSIP within FLRA to resolve negotiation impasses. The act also directs FMCS to provide mediation assistance in the resolution of negotiation impasses.

Labor contract negotiations are a fundamental part of collective bargaining under CSRA. The CSRA guarantees nonpostal federal employees the right to bargain collectively, through their chosen representatives, over conditions of employment. The act states that the right of employees to organize, bargain collectively, and participate in decisions which affect them

- safeguards the public interest,
- contributes to the effective conduct of public business, and
- facilitates and encourages the amicable settlement of disputes between employees and their employers involving conditions of employment.

The act also states that the public interest demands the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the government.

CSRA does not require that every bargaining unit be covered by a labor contract. According to the latest information available from OPM's information retrieval system, as of January 31,

1983, agencies and employee representatives (unions) had about 1,694 labor contracts (collective bargaining agreements) in effect.

As shown in the chart on page 8, CSRA requires negotiations on some matters, permits negotiations on others, and prohibits negotiations on still others.

The absence of traditional private sector broad scope bargaining (i.e., the right to bargain over virtually anything, but especially "bread and butter" issues, such as wages, fringe benefits, and other direct monetary issues) coupled with the lack of traditional bargaining incentives (i.e., the right to strike and lockout) and lack of union security (i.e., union or agency shop) has contributed to a unique federal sector negotiating relationship. The negotiating relationship has evolved to one in which federal unions attempt to expand their narrow scope of bargaining (primarily restricted to matters which affect employee working conditions) while management traditionally tries to further narrow the scope of issues over which it must bargain with the unions.

OVERVIEW OF THE LABOR CONTRACT NEGOTIATING PROCESS

Title VII of the CSRA provides that management representatives and the certified exclusive representative of employees in the bargaining unit are obligated to meet, consult, and bargain in a good faith effort to reach agreement on employment conditions that affect bargaining unit employees. If either party requests, a written document must be executed that incorporates any agreement reached and the necessary steps that must be taken to implement such agreement.

Federal labor negotiations under the CSRA are of two types--those that lead to or are part of a formal written contract (referred to as contract negotiations) and those that result from actual or proposed changes during the term of contract (referred to as mid-term negotiations).

Contract negotiations may take the form of negotiating a first or initial contract or renegotiating a former or existing contract. Contract negotiations generally follow the process of first negotiating the ground rules that govern the negotiations, exchanging initial proposals on issues over which the parties desire to bargain, submitting as many consecutive counterproposals as is necessary to reach agreement on the issues, signing the final agreement and getting it approved by the agency head. Written agreements executed from contract negotiations may cover

Negotiability of Matters Under CSRA

Required

Conditions of employment not otherwise prohibited.

Procedures to be observed by management in exercising its retained rights under the prohibited negotiation section.

Appropriate arrangements for employees adversely affected by management's exercise of its authority.

Permitted

Matters which are not conditions of employment and are not prohibited.

Numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty.

Technology, methods, and means of performing work.

Prohibited

Classification and legal restrictions on political activities.

Matters specifically provided for by statute.

Matters specifically provided for by governmentwide regulations or certain agency regulations for which FLRA determines a compelling need exists.

Determining mission, budget, organization, number of employees, and internal security practices of an agency.

Hiring, assigning, directing, laying off, and retaining employees; suspending, removing, reducing in grade or pay, or any other disciplinary action against employees.

Assigning work, making determinations with respect to contracting out, and determining the personnel which shall conduct agency operations.

Selections for appointments from (1) among properly ranked and certified candidates for promotions, or (2) any other appropriate source.

Actions necessary to carrying out the agency mission during emergencies.

a specific period of time--generally 1, 2, or 3 years, with or without automatic renewal clauses--or an indefinite period of time.

Mid-term negotiations are generally engaged in when management wishes to make changes in conditions of employment that affect employees in the bargaining unit or when changes are anticipated from external forces, such as agencywide or governmentwide rules and/or regulations or the enactment of new legislation by the Congress. In such instances, the union must be given the opportunity to negotiate over the impact that implementing such changes will have on employees. Negotiation over changes in conditions of employment may be necessary whenever such changes are proposed, not just during periods of contract negotiation or renegotiation. The mid-term negotiation process itself generally follows the normal contract negotiation process but may be less formal in terms of ground rules, the number of negotiators involved, and the need for agency head approval.

Labor negotiations, with minor exceptions, generally begin with formal bargaining between the negotiating parties. If agreement cannot be reached, an independent, third-party neutral (usually FMCS) is engaged to assist the negotiating parties to reach voluntary agreement. Those issues which remain at impasse after this mediation assistance are referred to FSIP. The negotiating parties may request FSIP to approve a procedure for binding arbitration of the impasse or FSIP itself has final authority to resolve the issues in any manner it deems appropriate. The CSRA delineates certain exceptions to the bargaining obligation. A negotiability appeals procedure has been established to resolve disputes over the negotiability of a matter proposed for bargaining. Allegations of nonnegotiability are appealed to the FLRA, which issues a written decision to the parties on the allegation.

If either negotiating party refuses to negotiate in good faith, it may be charged with an unfair labor practice (ULP). A ULP is a violation of the rights protected by Title VII of the CSRA. ULP allegations are handled by the FLRA in accordance with the procedures established by Title VII of the CSRA and FLRA's rules and regulations.

Generally, a negotiated agreement between the parties is subject to approval by the head of the agency. The agency head shall approve such agreements within 30 days of the date the final agreement is made if they are in accordance with Title VII of the CSRA and any other applicable law, rule, or regulation.

The act authorizes union representatives, who are agency employees, to be on official time for negotiations during the time they would otherwise be in a duty status. The number of union representatives who may receive official time cannot exceed the number of individuals representing the agency in negotiations. However, the union may have additional representatives at its own expense.

THIRD-PARTY NEUTRALS: EACH HAS MAJOR
LABOR RELATIONS RESPONSIBILITIES

FLRA is an independent, bipartisan, and neutral third party responsible for deciding policy questions, negotiability disputes, exceptions to arbitration awards, representation cases, and unfair labor practice charges and complaints. FLRA components include (1) three "Authority Members" and their staffs, (2) the Office of Administrative Law Judges, (3) the Office of the General Counsel, and (4) the FSIP.

FSIP, as an entity within FLRA, provides assistance in resolving negotiation impasses that arise under the CSRA. In essence, FSIP is the "court of last resort" in the administrative impasses resolution process. The CSRA does not authorize direct appeals from final decisions of FSIP. The filing of a ULP charge with FLRA is the exclusive means of obtaining review and enforcement of FSIP's final decisions. The CSRA authorizes FSIP to take whatever action it considers necessary, including approving a binding arbitration procedure, to resolve negotiation impasses so long as such actions are not inconsistent with Title VII of the CSRA.

FMCS is an independent federal agency established by Title II of the Labor-Management Act of 1947. FMCS is charged with the responsibility of preventing or minimizing interruptions in the free flow of commerce which grow out of labor disputes and of assisting the parties, through conciliation and mediation, in the settlement of such disputes. The CSRA directs FMCS to provide services and assistance in the resolution of negotiation impasses to federal agencies and employee representatives (unions) covered by the CSRA. It also permits FMCS to determine under what circumstances and in what manner it will do so.

OPM: THE PRESIDENT'S PERSONNEL AGENT

OPM, as primary agent for the President for personnel management functions, carries out the President's responsibility for managing the federal work force. It provides policy guidance, technical assistance, training, and information to federal

APPENDIX II

APPENDIX II

managers on labor-management relations; consults with labor organizations on governmentwide personnel rules and regulations; and assists agencies with cases before FLRA which may have governmentwide labor relations impact.

AGENCY COSTS INCURRED, STAFF HOURS SPENT,
AND TIME ELAPSED FOR CONTRACT NEGOTIATIONS

On the basis of the results of our survey, approximately \$7.6 million and 337,000 staff hours were spent by agencies in support of negotiating 208 contracts that became effective in fiscal year 1982. This excludes costs incurred by third-party neutrals in resolving disputes and costs paid by the unions. Agency costs for each set of negotiations ranged from \$500 to \$1.4 million, with \$9,970 being the median cost. Each set of negotiations involved from 3 to 59,000 staff hours, the median being 418 staff hours, and were conducted over from 0 to 221 weeks from the first day of ground rules negotiations to final agreement by negotiators, with 18.8 weeks being the median.

The agency costs of negotiations are comprised of salaries and wages, travel and per diem, and other costs, such as those incurred for nongovernment facilities, telephone calls, and printing. The staff hours are those spent by the agencies and unions preparing for and negotiating contracts. The number of staff hours attributable to the negotiating process is an important indicator of the effort required to reach agreement. A more detailed analysis of this information is provided in the tables on pages 13 through 19.

Data on length, cost, and time are based on 208 management responses (84 percent of our universe) using actual and estimated data. Because the union response rate was 51 percent, dropping as low as 21 percent for certain cost questions, union response information was not included in our length, cost, and time estimates. However, for those 126 unions that responded, about 75 percent reported spending about \$218,000 of their own funds and about 91 percent reported spending 32,936 staff hours of unofficial time on labor contract negotiations.

APPENDIX III

APPENDIX III

TABLE A
COSTS OF NEGOTIATING 208 LABOR CONTRACTS
THAT BECAME EFFECTIVE IN FISCAL YEAR 1982^a

| <u>Negotiations for:</u> | <u>Agency cost for:</u> | <u>Management Involvement</u> | <u>Union Involvement</u> | <u>Total agency costs</u> | <u>Number of employees covered^b</u> |
|---|-------------------------|-------------------------------|--------------------------|---------------------------|--|
| Single local unit | \$1,678,100 | \$660,345 | | \$2,338,445 | 56,353 |
| Mean | 13,927 | 6,017 | | 20,556 | 420 |
| Median | 5,411 | 2,460 | | 9,533 | 180 |
| Range: | | | | | |
| Low | 451 | 0 | | 540 | 2 |
| High | 143,909 | 62,640 | | 161,076 | 5,700 |
| Multi-unit | \$1,176,558 | \$383,841 | | \$1,560,399 | 28,117 |
| Mean | 83,021 | 24,814 | | 63,310 | 1,480 |
| Median | 18,550 | 6,878 | | 31,825 | 990 |
| Range: | | | | | |
| Low | 1,000 | 800 | | 1,800 | 100 |
| High | 696,100 | 168,100 | | 415,000 | 4,940 |
| National consolidated/exclusive unit | \$1,714,396 | \$1,052,231 | | \$2,766,627 | 771,447 |
| Mean | 193,325 | 111,891 | | 305,216 | 77,145 |
| Median | 64,324 | 33,671 | | 102,103 | 2,195 |
| Range: | | | | | |
| Low | 500 | 0 | | 500 | 280 |
| High | 933,856 | 461,912 | | 1,395,768 | 637,700 |
| Local supplement to multi- or national unit | \$587,976 | \$395,572 | | \$983,548 | 32,274 |
| Mean | 19,196 | 13,811 | | 34,192 | 897 |
| Median | 3,708 | 1,792 | | 5,537 | 173 |
| Range: | | | | | |
| Low | 1,088 | 0 | | 1,635 | 5 |
| High | 190,000 | 145,000 | | 335,000 | 11,100 |
| Total | \$5,157,030 | \$2,491,989 | | \$7,649,019 | 888,191 |
| Mean | 33,112 | 15,860 | | 45,756 | 4,463 |
| Median | 6,225 | 2,604 | | 9,970 | 215 |
| Range: | | | | | |
| Low | 451 | 0 | | 500 | 2 |
| High | 933,856 | 461,912 | | 1,395,768 | 637,700 |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

^bWe calculated the cost per employee using only those responses that contained complete data for the cost and employees covered variables. For example, if one respondent supplied answers for its total salaries and wages and other costs for negotiations, but did not answer what its total travel and per diem costs were, that response was not included in the calculation. The calculations resulted in the following costs per employee: Single local unit--\$42.48; multi-unit--\$40.69; National consolidated/exclusive unit-- \$3.17; local supplemental--\$29.73; and an overall cost per employee of \$6.46.)

Note: In addition to the agency costs, the unions that responded to our questionnaire (51 percent of our universe) reported spending about \$218,000 of their own funds for salary and wages, travel and per diem, and other costs related to the contract negotiations.

TABLE B
PERCENTAGES OF COSTS SPENT BY NEGOTIATING
PROCESS COMPONENT FOR 208 LABOR CONTRACTS THAT
BECAME EFFECTIVE IN FISCAL YEAR 1982^a

| <u>Negotiating process component</u> | <u>Agency costs for:</u> | | |
|--------------------------------------|-------------------------------|--------------------------|---------------|
| | <u>Management involvement</u> | <u>Union involvement</u> | <u>Total</u> |
| Preparing initial proposals | 10.6% | 1.4% | 12.0% |
| Negotiating ground rules | 1.6% | 0.7% | 2.3% |
| Negotiating the basic agreement | <u>54.6%</u> | <u>31.1%</u> | <u>85.7%</u> |
| Total | 66.8% | 33.2% | 100.0% |
| | | | <u> </u> |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

Note: The negotiating process is comprised of a number of segments or components. The above table is based on the total cost of negotiations by process component exclusive of costs incurred by neutral third parties and unions.

TABLE C
MEAN, MEDIAN, AND RANGE OF AGENCY COSTS BY
NEGOTIATING PROCESS COMPONENT AND TYPE OF NEGOTIATING UNIT
FOR 208 LABOR CONTRACTS THAT BECAME EFFECTIVE IN FISCAL YEAR 1982^a

| Negotiating process component | Single local unit | | | Multi-unit | | | National consolidated/exclusive unit | | | Local supplement to multi- or national unit | | |
|---------------------------------|-------------------|----------|-------------------|------------|----------|-----------------------|--------------------------------------|------------|-------------------|---|---------|------------------|
| | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range |
| Preparing initial proposals | \$ 2,541 | \$ 1,271 | \$ 0 to 39,389 | \$ 21,955 | \$ 3,102 | \$ 382 to 262,500 | \$ 13,676 | \$ 6,663 | \$ 269 to 40,303 | \$ 819 | \$ 397 | \$ 12 to 5,956 |
| Negotiating ground rules | 454 | 145 | 0 to 17,426 | 1,098 | 573 | 48 to 3,818 | 1,693 | 0 to 6,448 | 0 to 6,448 | 174 | 99 | 12 to 993 |
| Negotiating the basic agreement | 8,549 | 2,723 | 0 to 156,831 | 79,466 | 12,314 | 143 to 1,107,271 | 189,986 | 52,178 | 107 to 936,740 | 4,913 | 1,787 | 12 to 99,258 |
| Total negotiating process | \$11,653 | \$4,901 | \$ 200 to 189,504 | \$109,963 | \$16,466 | \$ 1,145 to 1,372,062 | \$206,081 | \$61,448 | \$ 376 to 971,131 | \$5,906 | \$2,333 | \$ 37 to 105,462 |
| Number of agreements | 141 | | | 20 | | | 10 | | | 37 | | |
| Number of employees covered | 56,353 | | | 28,117 | | | 771,447 | | | 32,274 | | |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

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TABLE D
**STAFF HOURS SPENT DURING NEGOTIATIONS OF 208 LABOR
 CONTRACTS THAT BECAME EFFECTIVE IN FISCAL YEAR 1982^a**

| Type of negotiating unit | Agency personnel | Union personnel on official time | Total | Number of agreements |
|---|------------------|----------------------------------|--|----------------------|
| Single local unit | 89,561 | 37,457 | 127,018 Mean 901 Median 398 Range: Low 14 High 11,635 | 141 |
| Multi-unit | 42,467 | 12,936 | 55,403 Mean 2,770 Median 673 Range: Low 24 High 32,380 | 20 |
| National consolidated/exclusive unit | 76,695 | 44,961 | 121,656 Mean 12,166 Median 2,984 Range: Low 14 High 58,912 | 10 |
| Local supplement to multi- or national unit | 16,674 | 16,664 | 33,338 Mean 876 Median 332 Range: Low 3 High 16,510 | 37 |
| Total | 225,397 ***** | 112,018 ***** | 337,415 ^b Mean 1,621 Median 418 Range: Low 3 High 58,912 | 208 *** |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

^bThe unions that responded to our questionnaire (51 percent of our universe) reported spending 32,936 staff hours of unofficial time in the negotiation process.

TABLE E
MEAN, MEDIAN, AND RANGE OF AGENCY STAFF HOURS SPENT FOR EACH PROCESS
COMPONENT BY TYPE OF NEGOTIATING UNIT FOR 208 LABOR CONTRACTS

| Negotiating process component | THAT BECAME EFFECTIVE IN FISCAL YEAR 1982 ^a | | | | | | National consolidated/exclusive unit | | | | | | Local supplement to multi- or national unit | | | | | |
|---------------------------------|--|--------|--------------|------------|--------|--------------|--------------------------------------|--------|--------------|---|--------|------------|---|--------|-------|------|--------|-------|
| | Single local unit | | | Multi-unit | | | National consolidated/exclusive unit | | | Local supplement to multi- or national unit | | | | | | | | |
| | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range |
| Preparing initial proposals | 140 | 70 | 0 to 2,170 | 460 | 65 | 8 to 5,500 | 509 | 248 | 10 to 1,500 | 66 | 32 | 1 to 480 | | | | | | |
| Negotiating ground rules | 25 | 8 | 0 to 960 | 23 | 12 | 1 to 80 | 89 | 63 | 0 to 240 | 14 | 8 | 1 to 80 | | | | | | |
| Negotiating the basic agreement | 471 | 150 | 0 to 8,640 | 1,665 | 258 | 3 to 23,200 | 7,071 | 1,942 | 4 to 34,864 | 396 | 144 | 1 to 8,000 | | | | | | |
| Total negotiating process | 642 | 270 | 11 to 10,440 | 2,304 | 345 | 24 to 28,748 | 7,670 | 2,287 | 14 to 36,144 | 476 | 188 | 3 to 8,500 | | | | | | |
| Number of agreements | 141 | | | 20 | | | 10 | | | 37 | | | | | | | | |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

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TABLE F
MEAN, MEDIAN, AND RANGE FOR LENGTH OF CONTRACT NEGOTIATIONS BY TYPE OF NEGOTIATING
UNIT FOR 208 LABOR CONTRACTS THAT BECAME EFFECTIVE IN FISCAL YEAR 1982^a
 (In weeks)

| From | Event To | Single local unit | | | Multi-unit | | | National consolidated/ exclusive unit | | | Local supplement to multi- or national unit | | |
|---|---|-------------------|--------|--------------------------|------------|--------|---------------|--|-------------|---------------|--|--------------|----------------------------|
| | | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range | Mean | Median | Range |
| Notice of intent to negotiate | First day of ground rules negotiations | 9.5 | 6.4 | 4.1 to ^b 46.0 | 16.3 | 11.0 | 1.0 to 108.4 | 5.8 | 6.0 | 2 to 10.3 | 4.2 | 3.1 | -13.3 to ^b 19.3 |
| First day of ground rules negotiations | Final agreement on ground rules | 0.9 | 0.0 | 0.0 to 17.1 | 3.5 | 0.2 | 0.0 to 40.6 | 25.2 | 7.1 | 0.1 to 111.9 | 3.0 | 0.1 | 0.0 to 55.4 |
| Final agreement on ground rules | First day of basic agreement negotiations | 6.5 | 3.9 | 0.0 to 49.1 | 7.6 | 4.1 | 0.1 to 21.0 | 9.5 | 7.7 | 6 to 13.7 | 5.3 | 2.9 | -1.0 to ^b 29.1 |
| First day of basic agreement negotiations | Final agreement approved by negotiators | 27.6 | 11.3 | 0.0 to 221 | 44.4 | 34.4 | 0.0 to 145.0 | 79.9 | 56 to 106.0 | 13.9 | 2.0 | 0.0 to 137.6 | |
| Final agreement approved by negotiators | Agency head approval | 5.5 | 4.0 | 4.4 to ^b 60.6 | 7.2 | 4.0 | 0.3 to 32.7 | 6.2 | 5.4 | 0.0 to 11.1 | 7.2 | 5.6 | 0.0 to 37.1 |
| Total contract negotiations | | 48.2 | 34.0 | 3.3 to 172.0 | 79.3 | 71.6 | 13.3 to 189.9 | 112.8 | 130.2 | 31.4 to 168.3 | 35.9 | 20.3 | 3.4 to 143.3 |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

^bBecause these events do not always occur in the same chronological order, it is possible to have a negative number in the range where a date occurs before another out of usual sequence.

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TABLE G

MEAN, MEDIAN, AND RANGE FOR LENGTH OF CONTRACT NEGOTIATIONS FOR
208 LABOR CONTRACTS THAT BECAME EFFECTIVE IN FISCAL YEAR 1982^a

| <u>From</u> | <u>Event</u> | <u>To</u> | Mean | Median (in weeks) | Range |
|---|---|---|------|----------------------|-----------------------------|
| Notice of intent to negotiate | First day of ground rules negotiations | | 9.3 | 6.0 | -13.1 to ^b 108.4 |
| First day of ground rules negotiations | Final agreement on ground rules | | 2.6 | 0.0 | 0.0 to 111.9 |
| Final agreement on ground rules | First day of basic agreement negotiations | | 6.6 | 4.0 | -1.0 to ^b 49.1 |
| First day of basic agreement negotiations | Final agreement approved by negotiators | Final agreement approved by negotiators | 28.4 | 9.5 | 0.0 to 221.0 |
| Final agreement approved by negotiators | Agency head approval | | 6.0 | 4.1 | -4.4 to ^b 60.0 |
| Total contract negotiations (from notice of intent to negotiate to agency head approval) ^c | | | 52.0 | 34.7 | 3.3 to 189.9 |

^aThis data is based on the 208 management responses to our questionnaire, however, all 208 respondents may not have answered all questions.

^bBecause these events do not always occur in the same chronological order, it is possible to have a negative number in the range where a date occurs before another, out of usual sequence.

^cThese calculations include only those respondents that supplied dates for both notice of intent to negotiate and agency head approval.

Note: A better measure of actual negotiating time is from the first day of bargaining over the rules by which the contract negotiations were to be conducted to the day the final agreement was approved by the negotiators. These calculations result in the following: The negotiating time for the 208 contracts that we surveyed range from 0 to 221 weeks (4.25 years) with a median time of 18.8 weeks and a mean of 38.7 weeks.

THIRD-PARTY COSTS AND TIME INCURRED FOR PROCESSINGNEGOTIABILITY APPEALS, UNFAIR LABOR PRACTICECHARGES, AND IMPASSE RESOLUTIONS

In our survey, about 36 percent of 207 respondents reported having a third party involved in resolving an impasse, negotiability appeal, or ULP charge/complaint related to their negotiations. We were not able to determine the actual costs incurred by neutral third parties for the specific negotiations contained in our survey because of limitations of the third-party case-tracking systems and our inability to specifically relate third-party costs to the third-party information collected in our survey. We were, however, able to develop average case processing costs third parties incur when rendering services to parties in resolving disputes associated with labor contract negotiations.

Federal Labor Relations Authority

The CSRA provides that if an agency involved in collective bargaining alleges that the duty to bargain does not apply to a particular matter, the exclusive representative (union) may appeal the allegation to FLRA for resolution. FLRA's negotiability appeal case processing procedures consist of several parts: a procedural review to assure the case has met procedural requirements, a substantive review in which the merits of the case are evaluated and a draft decision is developed, and a number of higher level reviews of the draft decision culminating in a final decision by the Authority members. Although the CSRA does not set forth time frames within which FLRA must process negotiability appeals, it requires FLRA to expedite such proceedings to the extent practicable and to issue a written decision and explanation at the earliest practicable date.

FLRA established new case processing procedures in 1981 to improve the quality and timeliness of decisions and to identify, eliminate, and prevent substantial backlogs of unresolved cases at any stage of the decision development process. At the time of this review, an aging of FLRA's negotiability caseload indicated that one-third of the cases awaiting decisions were 1 year old or older since the date they were ready for processing. These cases exceed an informal 1 year processing goal established by FLRA. Decisions issued in fiscal year 1982 were responses to appeals filed an average of 2 years earlier. On the basis of our analysis, substantive decisions issued in fiscal year 1982 took an average of 673 calendar days from the date the appeals were originally filed. In fiscal year 1982,

FLRA began with a backlog of 244 cases, received 166 cases, disposed of 192 cases, and ended with a backlog of 218 cases. Excluding cases dismissed for procedural noncompliance, 93 substantive decisions were issued that year, concerning 286 separate disputed bargaining proposals.

FLRA was unable to provide an estimate of the cost of processing a negotiability appeal. According to its Executive Director, FLRA has not determined case processing costs for any type of appeal it handles. FLRA estimates its personnel costs for processing fiscal year 1982 negotiability appeals to be \$721,664. On the basis of 192 cases closed in fiscal year 1982, we estimate the average cost to FLRA for processing negotiability appeals to be about \$3,759 each.

In our survey, 198 respondents reported filing a total of 42 negotiability appeals. We were, however, unable to specifically relate fiscal year 1982 costs to the third-party information collected in our survey.

In FLRA's Office of the General Counsel, 1,348 ULP charges were pending at the beginning of fiscal year 1982 and 4,860 charges were received during the year. The Office of the General Counsel took 5,118 dispositive actions¹ during the year and ended the year with 1,090 cases pending. The median age of cases from date of filing to dispositive action was 78 days. At year end, 288 pending cases exceeded the General Counsel's 75 day processing goal.

At the beginning of fiscal year 1982, the Authority had 263 ULP complaints pending and received 183 during the year. The Authority closed 200 cases during the year, ending the year with 246 cases pending.

We did not develop FLRA's costs for handling ULP charges in fiscal year 1982. However, in a previous GAO report,² we developed the average cost incurred by FLRA for processing ULP charges in fiscal year 1981. This information showed that FLRA

¹Dispositive actions consist of dismissal or withdrawal of a charge, issuance of a complaint, or approval of a settlement agreement.

²Report to FLRA and OPM on Steps can be Taken to Improve Federal Labor-Management Relations and Reduce the Number and Costs of Unfair Labor Practice Charges. GAO/FPCD-83-5, November 5, 1982.

incurred from \$1,137 to \$1,917 to process a ULP charge that had no merit and from \$1,137 to \$14,019 for processing a charge that had merit. The range of costs depended on whether dismissals were appealed to FLRA's General Counsel in the case of nonmeritorious charges and whether and at what level settlement was achieved for meritorious charges.

In our survey, 201 respondents reported 31 ULP charges were filed in conjunction with their respective negotiations. We were, however, unable to specifically relate costs to the third-party information collected in our survey.

Federal Mediation and Conciliation Service

The CSRA directs FMCS to provide mediation services and assistance to federal agencies and unions in the resolution of negotiation impasses. It authorizes FMCS to determine the circumstances and manner in which its services will be provided. During fiscal year 1982, FMCS assisted in 438 federal sector joint meetings (5.5 percent of its dispute workload). Of the 438 cases, 33 were for initial contracts, 250 were for renewals, 150 were for reopening of contracts, and 5 were for grievances. Information is not available from FMCS on the number of staff hours spent mediating federal sector cases.

FMCS requires that the party initiating negotiations notify FMCS within 30 days after the start of negotiations on an initial labor contract and at least 30 days prior to the expiration or modification date of an existing contract. According to FMCS officials, notification is usually provided and assistance requested only if a dispute exists. FMCS participation in a federal sector case normally begins with a telephone call made or notice filed individually or jointly by the parties. According to FMCS officials, the union is the moving party in 90 percent of the cases.

We reported in October 1980³ that FMCS did not have adequate information on its staff resources used in mediating cases. FMCS continues to track the number of meetings held by a mediator for each case, but not the number of hours spent in mediation (a meeting could last from 1 to 8 hours, for example). According to FMCS officials, more meetings are required for federal than private sector cases because federal sector negotiations lack incentives to conclude negotiations in a timely manner.

³Report to the Congress on The Federal Mediation and Conciliation Service Should Strive to Avoid Mediating Minor Disputes.
HRD-81-14, October 30, 1980.

According to FMCS officials, several factors contribute to long, therefore more costly, federal sector negotiations. An often mentioned factor is the limited scope of bargaining. Other factors include a lack of impetus from agency heads to conclude negotiations in a timely manner, a lack of negotiators' authority to make decisions while bargaining, and a lack of expertise on the part of negotiators.

During fiscal year 1982, the majority of the federal sector disputes handled by FMCS concerned working conditions, management prerogatives, and grievances. In contrast, nonfederal sector disputes handled by FMCS most often occurred over wages, contract duration, pensions, and insurance. Most federal sector workers are prohibited by law from bargaining over these elements, except for contract duration. According to FMCS officials, the limited scope of federal sector bargaining results in issues being elevated to impasse that might not otherwise be under dispute and contributes to the parties' lack of incentive to conclude negotiations in a timely manner.

We estimate FMCS' fiscal year 1982 cost of providing mediation services on initial or renewal contract negotiations to the federal sector to be \$911,466. FMCS is not able to provide individual cost-per-case information because individual cases involve significant variables and its budget and financial accounting system is not formatted on a cost-per-case basis. However, on the basis of the 438 federal sector cases on which FMCS held meetings in fiscal year 1982, we estimated the average cost-per-case to be about \$2,081.

In our survey, 67 of 199 respondents reported that FMCS provided mediation assistance in their negotiations. We were, however, unable to specifically relate fiscal year 1982 costs to third-party information collected in our survey.

Federal Service Impasses Panel

Once FMCS has exhausted its efforts to get the negotiating parties to voluntarily settle their impasse, the negotiating parties may jointly or separately request FSIP assistance as the final authority for resolving the dispute. In fiscal year 1982, FSIP began with a backlog of 57 cases, received 163 requests for assistance, and closed 144 cases. According to FSIP records, unions made 83 percent of the requests, management made 5 percent, and joint requests constituted 12 percent. Fifty-three percent of the requests were made in conjunction with end-of-contract or initial agreement negotiations while 47 percent resulted from mid-term bargaining.

The CSRA gives FSIP broad latitude in determining what procedures will be used to resolve impasse disputes. FSIP employs a variety of procedures to achieve impasse resolutions (such as factfinding, written submissions, arbitration by a FSIP representative, outside arbitration, and mediation/arbitration). FSIP does not provide the parties with advance notice of which procedure will be used in a particular dispute. FSIP believes this philosophy encourages voluntary settlement of disputes--the more desirable way to resolve impasse. According to FSIP officials, the selection of a procedure is based on such factors as sound collective bargaining principles, preferences of the parties, and FSIP's budget. Two of the more common procedures used are (1) factfinding hearings and (2) written submissions. During fiscal year 1982, the use of written submissions increased over 10 percent while the use of factfinding hearings decreased 60 percent. Another category, the use of outside arbitration, increased 200 percent (from 6 cases in fiscal year 1981 to 19 cases in fiscal year 1982). The fiscal year 1982 shift in the procedures used was partly attributed to budget cuts which precluded the use of factfinding hearings and other face-to-face meetings in cases outside of the Washington, D.C., area.

During the year, the median time in which all cases were closed was 83 days. The 40 cases for which FSIP decisions were issued took a median time of 197 days when factfinding hearings were held and 107 days when based on written submissions. According to FSIP officials, in spite of a 23-percent reduction in staff and fewer Panel meetings because of the fiscal year 1982 budget cuts, a sharp increase in requests for reconsideration of FSIP decisions, and the parties' "sluggishness" in complying with written submission procedures, the overall fiscal year case processing median time increased only 2 days.

The cost to FSIP for its impasse resolution services varies depending on the resolution technique used and the level within the technique at which resolution occurs. FSIP provided us with the actual average costs they incurred during fiscal year 1982 for factfinding hearings, written submissions, and arbitration proceedings. The factfinding procedure generally has two points at which voluntary settlement can occur. These are at the pre-hearing conference or after the factfinding hearing. Settlements at these points cost FSIP an average of \$1,219 and \$2,785, respectively, per case. If voluntary settlement is not achieved and a final ruling by FSIP is required, FSIP incurs an average cost of \$4,295 per case. Written submissions, which do not require hearings, cost FSIP an average of \$1,710 per case. Three cases were arbitrated by panel members in fiscal year 1982 at an average cost to FSIP of \$2,600 per case. The costs for

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arbitration by an independent outside arbitrator and mediation/arbitration, in which an individual serves as both mediator and arbitrator, are not incurred by FSIP. These costs are usually shared by the negotiating parties.

In our survey, 26 of the 202 respondents reported that 125 impasses were filed with FSIP. We were, however, unable to specifically relate costs to the third-party information collected in our survey.

GAO QUESTIONNAIRE WITH RESPONSES OF MANAGEMENT REPRESENTATIVES
REGARDING CONTRACTS THAT BECAME EFFECTIVE IN FISCAL YEAR 1982

U.S. GENERAL ACCOUNTING OFFICE

LABOR CONTRACT NEGOTIATIONS SURVEY

OFFICIAL GOVERNMENT BUSINESS

Note: The "n" associated with each response represents the number of management entities that answered the question. Summary statistics (i.e., percentages and medians) are based on the number of responses.

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**U.S. GENERAL ACCOUNTING OFFICE
LABOR CONTRACT NEGOTIATIONS SURVEY**

The Subcommittee on Investigations, House Committee on Post Office and Civil Service, has asked us to review labor-management contract negotiations under the Civil Service Reform Act of 1978. This questionnaire will help us get information for the Subcommittee on negotiations which led to the labor-management agreement referred to in the cover letter. Your response is vitally important to the Congress.

Most questions only require that you check the box or boxes next to the alternative which best answers it. A few questions require that you write your answers in the space provided.

You will only need about 30 minutes to go through the questionnaire the first time. To answer some questions, you may have to contact others in your agency or consult various records and files. Depending upon your records and your negotiations, it may take from 2 hours up to several days or more to collect the information. Please take the time to do this. The Congress needs the most accurate information possible when it considers whether changes are needed in the rules that govern federal sector negotiations and how the process can be made more useful to people like yourself.

Your responses will be held in the strictest confidence. Once all questionnaires have been returned, all identifying marks will be removed and no one will know how you responded.

Please return the completed questionnaire in the enclosed envelope within the next 7 working days. Thank you.

SECTION A. GENERAL

A1. Please check the box which best describes the role, if any, that the person filling out this questionnaire played in negotiating the agreement.

n=205

- 54.2% Served as chief negotiator of the agreement.
- 34.6% Served on the negotiating team but not as the chief negotiator.
- 4.9% Agency labor/management official involved in negotiations, but did not serve on negotiating team.
- 3.4% Not involved in negotiations.
- 2.9% Other involvement in the negotiations (please specify).

A2. Did management or the union initiate the request to negotiate the agreement?

n=205

- 11.2% Management
- 88.8% Union

A3. Is the agreement a local supplement to a multi- or national unit agreement?

n=209

- 17.7% Yes
- 82.3% No

A4. Does the agreement cover a single local bargaining unit, a multi-unit, or a national consolidated unit?

n=208

- 81.7% Single local unit
- 13.0% Multi-unit
- 5.3% National consolidated/exclusive unit

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- A5. How many of each of the following types of employees were covered by the agreement as of its effective date?

| | Total number of employees |
|--|---------------------------|
| 200 a. Wage grade employees | 88,803 |
| 200 b. General schedule employees (except professionals) | 782,772 |
| 201 c. Professional employees | 13,648 |
| 200 d. Other (please specify) | <u>2,968</u> |
| Total | <u>888,191</u> |
| | <u> </u> |

SECTION B. THE NEGOTIATING TEAM

- B1. Throughout your negotiations, what was the average number of negotiators (including the chief negotiator(s)) on the management negotiating team?

n=209

4 (median)
Negotiators

- B2. The number of negotiators on your team may have stayed about the same throughout the negotiations even though certain individuals may have served on the team for only part of the negotiations. How many separate and distinct individuals served at any time during the negotiations as a negotiator (including chief negotiator(s)) on the team?

n=201

4 (median)
Negotiators

- B3. Many negotiating teams have just one chief negotiator and only one person who serves in that capacity throughout the negotiations. Other teams may have several people who served as chief negotiator and/or more than one designated chief negotiator at any one time. How many separate and distinct individuals served as chief negotiator (chief spokesperson) on your management team at any time during the negotiations?

n=206

1 (median)
Chief negotiator(s)

- B4. How many of the individuals who served as chief negotiator(s) had the following types of labor/management relations experiences prior to the start of these negotiations?

| | Number of chief negotiators (total) |
|--|--|
| n= | |
| 207 a. Had served chief negotiator | <u>150</u> |
| 204 b. Had served as negotiating team member (other than chief) | <u>165</u> |
| 209 c. Had been a labor/management specialist | <u>127</u> |
| 204 d. Had formal labor relations training (courses, workshops, college degrees, etc.) | <u>212</u> |
| 205 e. Other labor relations experience (please specify) | <u>54</u> |
| 202 f. No labor relations experience | <u>21</u> |

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B5. Excluding the chief negotiator(s), how many of the negotiating team members had the following labor/management relations experiences prior to the start of negotiations?

| <u>n</u> | | | Number of negotiators |
|----------|----|---|-----------------------|
| | | | (total) |
| 202 | a. | Had served as chief negotiator | <u>76</u> |
| 203 | b. | Had served as negotiating team member (other than chief) | <u>374</u> |
| 203 | c. | Had been a labor/management specialist | <u>128</u> |
| 201 | d. | Had formal labor relations training (courses, workshops, college degrees, etc.) | <u>468</u> |
| 201 | e. | Other labor relations experience (please specify) | <u>106</u> |
| 202 | f. | No labor relations experience | <u>111</u> |

B6. In your opinion, other than approval by the head of the agency, did management's chief negotiators have or did they not have full authority to commit the agency, on behalf of management to all agreements reached at the table?

n=208

- 88.0% Yes, had full authority
12.0% No, did not have full authority
0.0% Don't know/not sure

B7. Now, consider the union's negotiating team. What was the average number of negotiators (including the chief negotiator(s)) on the union negotiating team? (Enter "NK" if not known.)

n=208

4 (median)
 Negotiators

B8. How many separate and distinct individuals served as negotiators (including the chief negotiator(s)) on the union team at any time during the negotiations? (Enter "NK" if not known.)

n=161

5 (median)
 Negotiators

SECTION C. NEGOTIATING TIME

This section asks about the length of negotiations and the staff hours spent on relevant activities. Please take the time to consult records or others in your agency so that we can present as accurate a view as possible of the time the negotiations required of you and your staff. If you do not have records of exact dates and time, please give your best estimates, even if you feel they are just guesses. Documents that could assist you in making estimates include negotiation notes; staff time and attendance sheets; personal calendars and appointment books from the time of the negotiations; memos; correspondence; and official documents related to the negotiations.

In responding to this section, please refer to the following definitions:

Ground rules negotiations -- negotiations over the rules by which subsequent contract negotiations will be conducted including bargaining at the table and impasse resolution.

Basic agreement negotiations -- substantive bilateral negotiations over the basic labor agreement, including bargaining at the table and impasse resolution.

Impasse -- a situation in the negotiating process where the parties have become deadlocked over one or more issues.

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Impasse resolution -- the process and techniques used to resolve an impasse, including the services of the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, and/or other third parties.

Mediation -- a form of impasse resolution in which a neutral third party tries to facilitate a voluntary agreement between parties on issues over which they are deadlocked.

Staff hours -- the number of staff who worked on a particular part of the negotiating process times the number of hours each staff member spent on that part of the process.

C1. Please indicate on what date (month, day, year) the following events occurred in your negotiations. (Enter in "NK" for not known or if you cannot make an estimate, and "NA" if not applicable).

(NOTE: Median number of weeks from one event to the next.)

| | | | |
|-----------|--|----------------------------------|----------|
| <u>n=</u> | - | a. Notice of intent to negotiate | <u>-</u> |
| 160 | b. First day of ground rules negotiations | <u>6.0</u> | |
| 171 | c. Final agreement on ground rules | <u>0.0</u> | |
| 172 | d. First day of basic agreement negotiations | <u>4.0</u> | |
| 192 | e. Final agreement approved by negotiators prior to agency head approval | <u>9.5</u> | |
| 196 | f. Agency head approval | <u>4.1</u> | |
| 138 | g. Union approval | <u>-3.0</u> | |
| 95 | h. Union ratification | <u>0.0</u> | |

(NOTE: Median number of weeks between (b) and (e) is 18.8.)

C2. In general, which one of the following sources did you rely on most in providing the dates in question C1? (If a source type you used most is not listed, please specify the source under "Other.")

n=197

- 85.8% Records and documents
- 13.2% Recall by persons knowledgeable about the negotiations
- 0.5% Other (please specify)
- 0.5% Not applicable/no dates were provided

C3. Please indicate about how many staff hours your agency spent (a) preparing your initial proposals, (b) negotiating ground rules, and (c) negotiating the basic agreement. It is critical that you provide estimates even if they are just guesses. Include in your estimates the time spent at the bargaining table on the type of issue, in third-party proceedings, reviewing proposals, writing memos, in meetings, etc. Be sure to include work done by all negotiating team members, support staff, and agency officials.

| <u>n=</u> | | Staff hours | |
|-----------|--|-------------|----------------|
| | | Median | Total |
| 205 | a. Preparing initial proposals | 60 | <u>35,797</u> |
| 203 | b. Negotiating ground rules (including bargaining at the table and impasse resolution) | 8 | <u>5,332</u> |
| 206 | c. Negotiating the basic agreement (including bargaining at the table and impasse resolution) | 167 | <u>184,268</u> |
| | Total (a - c) | 285 | <u>225,397</u> |
| | | | <u>=====</u> |

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C4. Were there staff hours spent in preparing initial proposals which could not be estimated in C3?
n=204

Yes 43.1%
No 56.9%

C5. What percentage of the staff hours information you provided in C3 was based on records and documents and what percentage was based on recall of knowledgeable persons? (Percentages should add up to 100 percent)

n=202

Records and documents 65%
Recall of knowledgeable persons 35%

C6. Was a third party (e.g. Federal Mediation and Conciliation Service (FMCS), Federal Service Impasses Panel (FSIP), Federal Labor Relations Authority (FLRA) or others) involved in resolving an impasse, negotiability appeal or unfair labor practice charge/complaint related to your negotiations?

n=207

Yes (continue to C7) 36.2%
No (continue to C10) 63.8%

C7. About how many of the staff hours that you reported spending on negotiations (in C3) were used to prepare for and complete each of the following types of third-party involvement that occurred in your negotiations? (Please indicate answers below separately for ground rules and basic agreement issues.)

| Third-party involvement | Ground rules issues | | | Basic agreement issues | | |
|---|---------------------|--------|-------|------------------------|--------|--------|
| | n= | Median | Total | n= | Median | Total |
| Impasse resolution | | | | | | |
| Mediation by the Federal Mediation and Conciliation Service | 9 | 10 | 126 | 65 | 32 | 12,813 |
| Impasse resolution by the Federal Service Impasses Panel | 3 | 0 | 12 | 24 | 51 | 4,074 |
| Other third-party mediation or impasse resolution | 2 | 0 | 0 | 3 | 0 | 3,952 |
| Federal Labor Relations Authority negotiability appeals resolution | 17 | 0 | 20 | 18 | 20 | 1,116 |
| Federal Labor Relations Authority unfair labor practice charge/complaint resolution | 18 | 0 | 26 | 20 | 3 | 457 |
| | 33 | 0 | 184 | 70 | 58 | 22,412 |
| | | | | | | ===== |

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- C8. For each of the following types of third-party involvement that occurred in your negotiations, how many total calendar days (including weekends) elapsed between the time third-party assistance was requested and the time the issue(s) requiring the assistance were either resolved or taken to the next step of the process? If a process was used more than once for ground rules or for basic agreement issues, add the calendar days for the multiple instances. (Please indicate answers below separately for ground rules and basic agreement issues. Enter "NK" if not known.)

| Third-party involvement | Ground rules issues | | | Basic agreement issues | | |
|---|---------------------|--------|-------|------------------------|--------|--------|
| | n* | Median | Total | n* | Median | Total |
| Impasse resolution | | | | | | |
| Mediation by the Federal Mediation and Conciliation Service | 9 | 7 | 735 | 59 | 18 | 3,103 |
| Impasse resolution by the Federal Service Impasses Panel | 3 | 0 | 0 | 23 | 100 | 2,889 |
| Other third-party mediation or impasse resolution | 2 | 0 | 0 | 3 | 0 | 92 |
| Federal Labor Relations Authority negotiability appeals resolution | 16 | 0 | 248 | 15 | 365 | 5,357 |
| Federal Labor Relations Authority unfair labor practice charge/complaint resolution | 15 | 0 | 511 | 15 | 0 | 1,382 |
| | 31 | 0 | 1,494 | 65 | 84 | 12,823 |

- C9. What percentage of the calendar days information you provided in C8 was based on records and documents and what percentage was based on recall of knowledgeable persons? (Percentages should add up to 100 percent.)

| | Median | n=71 |
|---------------------------------|--------|------|
| Records and documents | 100% | |
| Recall of knowledgeable persons | 0% | |

- C10. How many total hours of official time, if any, were paid by your agency for the union to prepare their initial proposals, negotiate ground rules, and negotiate the basic agreement?

| n* | | Hours of official time | |
|-----|--|------------------------|---------|
| | | Median | Total |
| 190 | a. Initial proposals preparations | 0 | 4,590 |
| 201 | b. Ground rules negotiations (including bargaining at the table and impasse resolution) | 4 | 2,518 |
| 202 | c. Basic agreement negotiations (including bargaining at the table and impasse resolution) | 105 | 103,121 |
| 190 | | 137 | 110,229 |

- C11. What percentage of the total hours of official time information you provided in C10 was based on records and documents and what percentage was based on recall of knowledgeable persons? (Percentages should add up to 100 percent.)

| | Median | n=190 |
|---------------------------------|--------|-------|
| Records and documents | 80% | |
| Recall of knowledgeable persons | 20% | |

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C12. Please indicate how many, if any, calendar days your negotiations were delayed as a result of the involvement of the following agencies and the judicial system. (Enter "NK" if the length of the delay is not known, "0" if there was no delay, and "NI" if an agency/judicial system was not involved.)

| | Calendar days (median) |
|--|---------------------------|
| n= | |
| 142 Office of Personnel Management (OPM) | 0 |
| 141 Department of Justice (DOJ) | 0 |
| 142 U.S. Courts | 0 |
| 141 Other (please specify) | 0 |

SECTION D. COST OF NEGOTIATIONS

This section asks about costs to your agency incurred by both management and union in your negotiations. It is very important that we provide the Congress with as accurate an estimate as possible of all the costs to your agency for the negotiations. So, please take the time required to consult records or others in your agency, if necessary, for the requested information. If your records are not sufficient to provide precise cost information, please provide the best estimates you can.

D1. What were the **salary and wages costs** incurred by your agency for management and union personnel during the negotiations? Include expenditures for those individuals involved in negotiating or in support of the negotiating team. (Enter "0" if no costs were incurred. Enter "NK" if a cost is not known.)

| | n=188 | | n=189 | |
|---|---|-------------|--------------------------------------|-------------|
| | Agency cost for management involvement | | Agency cost for union involvement | |
| | Median | Total | Median | Total |
| Salary and wages of individuals involved in negotiations and in support of negotiating team | \$4,768 | \$4,566,882 | \$2,020 | \$1,961,653 |

D2. What were the total **travel and per diem costs** to your agency for management and the union and the breakdown of those costs for the following phases of negotiations? (Enter a "NK" for not known if costs were incurred in a phase but estimates are not available.)

| | Management | | Union | |
|--|------------|------------------|-------|------------------|
| | n= | Total | n= | Total |
| a. Time spent preparing the initial proposals | 183 | \$ 41,306 | 175 | \$ 13,575 |
| b. Ground rule negotiations (other than for third-party proceedings) | 183 | 1,916 | 176 | 8,632 |
| c. Basic agreement negotiations (other than for third-party proceedings) | 181 | 181,703 | 176 | 333,106 |
| d. Impasse resolution with a third party | | | | |
| --Federal Mediation and Conciliation Service | 180 | 29,596 | 176 | 80,084 |
| --Federal Service Impasses Panel | 181 | 1,687 | 178 | 19,137 |
| --Other third-party impasse resolution (please specify) | 181 | 40,920 | 178 | 51,150 |
| e. Federal Labor Relations Authority negotiability dispute resolution | 181 | 0 | 178 | 0 |
| f. Federal Labor Relations Authority unfair labor practice charge/complaint resolution | 181 | 200 | 178 | 0 |
| g. Agency head contract review | 179 | 0 | 177 | 0 |
| h. Other (please specify) | 181 | 1,750 | 178 | 34 |
| Other (please specify) | 181 | <u>1,300</u> | 178 | 0 |
| Total | | <u>\$300,378</u> | | <u>\$505,718</u> |

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- D3. What other costs were incurred by your agency for management and the union during the negotiations? Include costs of such items as nongovernmental facilities, printing, long distance telephone calls, etc. Also, please list the items included under other expenses. (Enter "NK" if a cost is not known.)

| | n=158 | n=152 |
|------------------------------|---|--------------------------------------|
| | Agency cost for management involvement | Agency cost for union involvement |
| Other costs (please specify) | | |
| Median | \$ 313 | \$ 0 |
| Total | <u>\$278,471</u> | <u>\$10,511</u> |

- D4. Generally, are the cost figures you provided based on actual or estimated cost information? (Check only one.)

n=188

| |
|---|
| <u>31.4%</u> Actual cost information |
| <u>68.6%</u> Estimated cost information |

SECTION E. THIRD-PARTY NEUTRAL INVOLVEMENT

The next questions concern third-party neutral involvement in your negotiations.

- E1. Was a negotiability appeal filed with the Federal Labor Relations Authority (FLRA) in connection with your negotiations?

n=198

| | |
|----------------------|--------------|
| Yes (continue to E2) | <u>11.6%</u> |
| No (continue to E6) | <u>88.4%</u> |

- E2. Please indicate the number of separate negotiability appeals filed during each of the following stages of your negotiations. (Enter "0" if none were filed and "NK" if not known.)

| n= | | Number of negotiability appeals | |
|----|---|------------------------------------|-------|
| | | Median | Total |
| 22 | During ground rules negotiations | 0 | 1 |
| 22 | During negotiations of the basic agreement | 1 | 34 |
| 22 | During Federal Mediation and Conciliation Service Involvement | 0 | 2 |
| 22 | During Federal Service Impasses Panel Involvement | 0 | 2 |
| 21 | Other (please specify) | 0 | 3 |

- E3. For all negotiability appeals related to your negotiations, please indicate the number resolved in each of the following manners. (Enter "NK" if not known.)

n=20

| | Appeals |
|---|---------|
| | Total |
| Found negotiable by FLRA | 8 |
| Found nonnegotiable by FLRA | 6 |
| Ruled a mixed decision (i.e. some issues decided in favor of the agency and others decided in favor of the union) by FLRA | 1 |
| Dismissed by FLRA | 4 |
| Withdrawn | 9 |
| Not yet decided | 5 |

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- E4. As a result of a negotiability appeal, how many calendar days, if any, were negotiations on other issues delayed while the appeal was being resolved? (Enter "0" if there were no delays and enter "NK" if not known.)

n=19

0 (median)
Calendar days

- E5. At the time the negotiators approved the agreement (prior to agency head approval), had all the negotiability appeals filed with FLRA been resolved?

n=22

36.4% Yes
63.6% No
0.0% Don't know/not sure
0.0% Other (please specify)

- E6. During negotiations, how many, if any, unfair labor practice charges related to your negotiations were filed by your agency and how many were filed by the union? (Enter "NK" if not known and "0" if a party did not file a charge. Check "None" if no charges were filed by either party.)

n=201

Agency 5 (total)
 Charges
 Union 26 (total)
 Charges
182 None (continue to E11)

- E7. Please indicate the number of unfair labor practice charges related to your negotiations resolved in each of the following manners. (Please specify separately for charges filed by your agency and by the union. Enter "NK" if not known.)

| | Filled by the agency | | Filled by the union | |
|--------------------------|----------------------|----------|---------------------|-----------|
| | n= | Total | n= | Total |
| Charge withdrawn/settled | 19 | <u>2</u> | 19 | <u>15</u> |
| Charge dismissed by FLRA | 20 | <u>3</u> | 20 | <u>6</u> |
| Complaint Issued by FLRA | 20 | <u>0</u> | 20 | <u>5</u> |

- E8. How many, if any, unfair labor practice charges related to your negotiations cited a refusal to bargain as an issue? (Please specify separately for charges filed by your agency and by the union. Enter "0" if none and "NK" if not known.)

n=20

Agency 4 (total)
 Charges
 Union 18 (total)
 Charges

- E9. Regarding unfair labor practice charges related to your negotiations that cited a refusal to bargain as an issue, please indicate the number that were resolved in each of the following manners. (Please specify separately for charges filed by your agency and by the union. Enter "NK" if not known.)

n=18

| | Filled by the agency | Filled by the union |
|--------------------------|----------------------|---------------------|
| | Total | Total |
| Charge withdrawn/settled | <u>2</u> | <u>9</u> |
| Charge dismissed by FLRA | <u>2</u> | <u>5</u> |
| Complaint Issued by FLRA | <u>0</u> | <u>4</u> |

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E10. Now consider all unfair labor practice complaints related to your negotiations. Please indicate the number of complaints, if any, resolved in each of the following manners. (Enter "NK" if not known and check "None" if no complaints were filed.)

| | Complaints | |
|--|------------|----------|
| | n= | Total |
| Decided by FLRA in favor of the agency | 15 | <u>0</u> |
| Decided by FLRA in favor of the union | 15 | <u>1</u> |
| Mixed decision (i.e. some issues decided in favor of your agency and others decided in favor of the union) by FLRA | 15 | <u>1</u> |
| Withdrawn/settled | 12 | <u>3</u> |
| Not yet resolved | 15 | <u>2</u> |

These next questions ask about assistance by Federal Mediation and Conciliation Service (FMCS), Federal Service Impasses Panel (FSIP), and other Impasse resolution services in your negotiations.

E11. Was the negotiated agreement an initial agreement or a renegotiation of an existing agreement?

n=201

| | |
|--|--------------|
| Initial agreement (continue to E12) | <u>22.9%</u> |
| Renegotiation of an existing agreement (continue to E13) | <u>77.1%</u> |

E12. When, if at all, was FMCS notified of your negotiations?

n=45

| | |
|--------------|---|
| <u>20.0%</u> | Did not notify FMCS of the negotiations |
| <u>60.0%</u> | Prior to at the table negotiations |
| <u>0.0%</u> | Less than 30 days after beginning at the table negotiations |
| <u>15.0%</u> | 30 days or more after beginning at the table negotiations |
| <u>0.0%</u> | Not known |
| <u>4.4%</u> | Other (please specify) |

(After answering E12, continue to E15).

E13. (Only answer E13 and E14 if the agreement was a renegotiation of an existing agreement.) When, if at all, was FMCS notified of your negotiations?

n=141

| | |
|--------------|--|
| <u>25.5%</u> | Did not notify FMCS of the negotiations |
| <u>41.1%</u> | 30 days or more before prior agreement expired |
| <u>10.7%</u> | Less than 30 days before prior agreement expired |
| <u>17.0%</u> | After the prior agreement expired |
| <u>0.0%</u> | Not known |
| <u>5.7%</u> | Other (please specify) |

E14. On what date did your prior agreement expire?

N/A
MO DAY YR

E15. Did FMCS provide mediation assistance in your negotiations on your current agreement?

n=199

| | |
|-----------------------|--------------|
| Yes (continue to E16) | <u>33.7%</u> |
| No (continue to E21) | <u>66.3%</u> |

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E16. For mediation assistance FMCS may have provided during ground rules and basic agreement negotiations, did management, union, or both parties jointly request the assistance? (Check all that apply.)

| | Ground rules negotiations | | | Basic agreement negotiations | | |
|---------------|------------------------------|------|--------|---------------------------------|-------|-------|
| | n= | Yes | No | n= | Yes | No |
| Management | 142 | 0.0% | 100.0% | 142 | 2.8% | 97.2% |
| Union | 142 | 3.5% | 96.5% | 143 | 18.2% | 81.8% |
| Joint request | 142 | 1.4% | 98.6% | 142 | 26.1% | 73.9% |

E17. How many calendar days (including weekends) had elapsed between the start of at the table negotiations and the first request for FMCS assistance? Calendar days elapsed during basic agreement negotiations should be counted from the beginning of basic agreement negotiations. (Please indicate your answers separately below for mediation of ground rules and basic agreement issues. Enter "NK" if not known.)

| n=9 | n=61 |
|------------------------------|---------------------------------|
| Ground rules negotiations | Basic agreement negotiations |
| <u>19 (median)</u> | <u>90 (median)</u> |
| Calendar days | Calendar days |

E18. How many hours had you spent bargaining at the table before the first request for FMCS assistance? Hours spent bargaining at the table on the basic agreement should be counted from the beginning of basic agreement negotiations. (Please indicate your answer separately below for mediation of ground rules and basic agreement issues. Enter "NK" if not known.)

| n=10 | n=58 |
|------------------------------|---------------------------------|
| Ground rules negotiations | Basic agreement negotiations |
| <u>16 (median)</u> | <u>111 (median)</u> |
| Hours | Hours |

E19. The term "issues" refers to subjects such as hours of work, merit promotions, official time, performance appraisals, etc. How many issues did FMCS mediate during your negotiations? (Please indicate your answer separately for mediation on ground rules and basic agreement issues. Enter "NK" if not known.)

| n=8 | n=61 |
|------------------------------|---------------------------------|
| Ground rules negotiations | Basic agreement negotiations |
| <u>14 (total)</u> | <u>470 (total)</u> |
| <u>1.5 (median)</u> | <u>5 (median)</u> |
| Issues | Issues |

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E20. How many of these mediated issues required further third-party assistance (FSIP involvement, arbitration, or other)? (Please indicate your answer separately for mediation on ground rules and basic agreement issues. Enter "NK" if not known.)

| | |
|---------------------------|------------------------------|
| n=8 | n=65 |
| Ground rules negotiations | Basic agreement negotiations |
| 0 (total) | 141 (total) |
| Issues | Issues |
| | |

E21. Were the services of FSIP requested during your negotiations?

n=202

| | |
|-----------------------------|-------|
| Yes (continue to E22) | 12.9% |
| No (continue to E29) | 86.6% |
| Not known (continue to E29) | 0.5% |

E22. Please indicate the number of Impasses filed with FSIP during ground rules negotiations and during basic agreement negotiations. (Enter "0" if none were filed and "NK" if the number is not known.)

| | <u>Impasses</u> | | |
|------------------------------|-----------------|--------|-------|
| | n= | Median | Total |
| Ground rules negotiations | 24 | 0 | 1 |
| Basic agreement negotiations | 25 | 1 | 124 |
| Don't know when filed | 24 | 0 | 0 |

E23. How many of the Impasses on which FSIP issued a Decision and Order were resolved in favor of the agency, in favor of the union, by a mixed decision (i.e., some issues resolved in favor of the agency and others resolved in favor of the union), or in some other manner? (Enter "NK" if not known.)

| | <u>Impasses</u> | |
|------------------------|-----------------|-------|
| | n= | Total |
| Agency | 22 | 7 |
| Union | 22 | 9 |
| Mixed decision | 22 | 12 |
| Other (please specify) | 24 | 95 |

E24. Which of the following Impasse resolution techniques did FSIP use? (Check all that apply.)

| n= | Yes | No |
|------------------------------------|-----|----|
| 24 Written submissions | 14 | 10 |
| 23 Mediation | 6 | 17 |
| 22 Factfinding hearing | 3 | 19 |
| 23 Arbitration | 0 | 23 |
| 23 Outside third-party arbitration | 0 | 23 |
| 24 Mediation/arbitration | 3 | 21 |
| 23 Not known | 0 | 23 |
| 24 Other (please specify) | 5 | 19 |

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E25. At the time the negotiators approved the agreement (prior to agency head approval), had all impasses upon which FSIP assisted been resolved?

n=25

72.0% Yes
28.0% No
0.0% Don't know/not sure

E26. Were any of the impasses settled by an order issued by FSIP?

n=25

52.0% Yes
48.0% No

E27. Were any of the impasses on which FSIP assisted settled voluntarily between the parties?

n=24

Yes (continue to E28) 54.2%
 No (continue to E29) 45.8%

E28. To what extent, if any, was (were) each of the impasse technique(s) used by FSIP instrumental in achieving voluntary settlement? (Check "does not apply" for technique(s) not used.)

| n* | | Instrumental to a great extent | Instrumental to a moderate extent | Instrumental to some extent | Instrumental to a little extent | Not at all instrumental | Does not apply |
|----|--|--------------------------------------|---|-----------------------------------|---------------------------------------|----------------------------|-------------------|
| 12 | Written submission | <u>16.7%</u> | - | - | <u>8.3%</u> | <u>16.7%</u> | <u>58.3%</u> |
| 11 | Mediation | <u>36.4%</u> | - | - | - | <u>18.2%</u> | <u>45.5%</u> |
| 10 | Factfinding hearing | <u>10.0%</u> | <u>10.0%</u> | - | - | <u>10.0%</u> | <u>70.0%</u> |
| 10 | Arbitration | - | - | - | - | <u>10.0%</u> | <u>90.0%</u> |
| 10 | Outside third- party arbitration | - | - | - | - | <u>10.0%</u> | <u>90.0%</u> |
| 10 | Mediation/ arbitration | <u>30.0%</u> | - | - | - | <u>10.0%</u> | <u>60.0%</u> |
| 5 | Other | <u>20.0%</u> | - | - | - | - | <u>80.0%</u> |

E29. Other than the services provided by or through FMCS and FSIP, what, if any, other impasse resolution services did you use in your negotiations. (Check "None" if others were not used. Enter "NK" if not known.)

n=206

93.7% None

SECTION F. THE LABOR/MANAGEMENT RELATIONSHIP

These last questions concern your perceptions of the labor/management relationship between the parties covered by this agreement.

F1. Please briefly describe what you consider to be an excellent labor/management relationship.

F2. Please briefly describe what you consider to be a poor labor/management relationship.

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F3. Circle the number on the scale below, from very poor to excellent, which best describes how you perceive the labor/management relationship between the parties to this agreement.

n=198

- | | | |
|---|--------------|-----------|
| 1 | <u>1.0%</u> | Very poor |
| 2 | <u>2.0%</u> | |
| 3 | <u>2.5%</u> | |
| 4 | <u>10.6%</u> | |
| 5 | <u>15.2%</u> | |
| 6 | <u>31.3%</u> | |
| 7 | <u>37.4%</u> | Excellent |

F4. What are the major factor which led you to characterize the relationship as you did in F3?

F5. Please give any comments you may have on federal labor/management negotiations and on how long the negotiations take. Suggestions, if any, for improving the process would also be appreciated. Thank you.

n=209

- 31.6% Comment
68.4% No comment

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GAO QUESTIONNAIRE WITH RESPONSES OF UNION REPRESENTATIVES
REGARDING CONTRACTS THAT BECAME EFFECTIVE IN FISCAL YEAR 1982

U.S. GENERAL ACCOUNTING OFFICE

LABOR CONTRACT NEGOTIATIONS SURVEY

OFFICIAL GOVERNMENT BUSINESS

Note: The "n" associated with each response represents the number of union entities that answered the question. Summary statistics (i.e., percentages and medians) are based on the number of responses.

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U.S. GENERAL ACCOUNTING OFFICE LABOR CONTRACT NEGOTIATIONS SURVEY

The Subcommittee on Investigations, House Committee on Post Office and Civil Service, has asked us to review labor-management contract negotiations under the Civil Service Reform Act of 1978. This questionnaire will help us get information on negotiations which led to the labor-management agreement referred to in the cover letter. Your response is vitally important to the Congress.

Most questions only require that you check the box or boxes next to the alternative which best answers it. A few questions require that you write your answers in the space provided.

You will only need about 30 minutes to go through the questionnaire the first time. To answer some questions, you may have to contact others in your union or consult various records and files. Depending upon your records and your negotiations, it may take from 2 hours up to several days or more to collect the information. Please take the time to do this. The Congress needs the most accurate information possible when it considers whether changes are needed in the rules that govern federal sector negotiations and how the process can be made more useful to people like yourself.

Your responses will be held in the strictest confidence. Once all questionnaires have been returned, all identifying marks will be removed and no one will know how you responded.

Please return the completed questionnaire in the enclosed envelope within the next 10 working days. Thank you.

SECTION A. GENERAL

A1. Please check the box which best describes the role, if any, that the person filling out this questionnaire played in negotiating the agreement.

n=123

- 55.3% Served as chief negotiator of the agreement.
- 32.5% Served on the negotiating team but not as the chief negotiator.
- 2.4% Union local president during negotiations, but did not serve on negotiating team.
- 1.6% Union steward during negotiations, but did not serve on negotiating team
- 3.3% Not involved in negotiations at all.
- 4.9% Other involvement in the negotiations (please specify).

A2. Did management or the union initiate the request to negotiate the agreement?

n=123

- 9.8% Management
- 90.2% Union

SECTION B. THE NEGOTIATING TEAM

B1. Throughout your negotiations, what was the average number of negotiators (including the chief negotiator(s)) on the union negotiating team?

n=120

- 4 (median)
- Negotiators

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- B2. The number of negotiators on your team may have stayed about the same throughout the negotiations even though certain individuals may have served on the team for only part of the negotiations. How many separate and distinct individuals served at any time during the negotiations as a negotiator (including chief negotiator(s)) on the team?

n=115

4 (median)

Negotiators

- B3. Many negotiating teams have just one chief negotiator and only one person who serves in that capacity throughout the negotiations. Other teams may have several people who serve as chief negotiators and/or more than one designated chief negotiator at any one time. How many separate and distinct individuals served as chief negotiator (chief spokesperson) on your union team at any time during the negotiations?

n=124

1 (median)

Chief negotiator(s)

- B4. How many of the individuals who served as **chief negotiator(s)** held the following union positions at the time of the negotiations?

Number of chief negotiators

| <u>n=</u> | | <u>(total)</u> |
|-----------|-------------------------|----------------|
| 125 | National president | <u>3</u> |
| 117 | Local president | <u>62</u> |
| 124 | National vice president | <u>5</u> |
| 118 | Local vice president | <u>16</u> |
| 122 | Business agent | <u>14</u> |
| 119 | Steward | <u>15</u> |
| 122 | Member | <u>8</u> |
| 123 | Other (please specify) | <u>40</u> |

- B5. Prior to the start of the negotiations, how many of your **chief negotiators** had the following types of labor/management relations experiences?

Number of chief negotiators

| <u>n=</u> | | <u>(total)</u> |
|-----------|--|----------------|
| 115 | a. Had served chief negotiator | <u>64</u> |
| 113 | b. Had served as negotiating team member (other than chief) | <u>75</u> |
| 117 | c. Had formal labor relations training (courses, workshops, college degrees, etc.) | <u>73</u> |
| 120 | d. Other labor relations experience (please specify) | <u>39</u> |
| 117 | e. No prior labor relations experience | <u>13</u> |

- B6. Excluding the chief negotiator(s), how many of the individuals who served at any time during your negotiations as union negotiators held the following positions at the time of negotiations?

Number of negotiators

| <u>n=</u> | | <u>(total)</u> |
|-----------|-------------------------|----------------|
| 121 | National president | <u>2</u> |
| 118 | Local president | <u>75</u> |
| 121 | National vice president | <u>10</u> |
| 119 | Local vice president | <u>92</u> |
| 119 | Business agent | <u>5</u> |
| 118 | Steward | <u>135</u> |
| 120 | Member | <u>67</u> |
| 118 | Other (please specify) | <u>26</u> |
| | | <u>43</u> |

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B7. Excluding the chief negotiator(s), how many of the negotiators had the following types of labor/management relations experiences prior to the start of these negotiations?

| <u>n=</u> | Number of negotiators (total) |
|--|----------------------------------|
| 119 a. Served as chief negotiators | 23 |
| 119 b. Served as negotiating team members (other than chief) | <u>155</u> |
| 119 c. Had formal labor relations training (courses, workshops, college degrees, etc.) | <u>131</u> |
| 119 d. Other labor relations experience (please specify) | <u>50</u> |
| 118 e. No labor relations experience | <u>96</u> |

B8. Did the union's chief negotiator(s) have or not have full authority to commit the union to all agreements reached at the bargaining table?

n=122

- 82.0% Yes, had full authority
18.0% No, did not have full authority
0.0% Don't know/not sure

B9. In your opinion, other than approval by the head of the agency, did management's chief negotiator(s) have or not have full authority to commit the agency, on behalf of management, to all agreements reached at the table?

n=109

- 45.9% Yes, had full authority
54.1% No, did not have full authority
0.0% Don't know/not sure

SECTION C. NEGOTIATING TIME

This section asks about the length of negotiations and the staff hours spent on activities relevant to the negotiations. If you do not have records of exact dates and time, please give your best estimates, even if you feel they are just guesses. Documents that could assist you in making estimates include: negotiating notes; time and attendance sheets; personal calendars and appointment books from the time of the negotiations; memorandum; correspondence; and official documents related to the negotiations. In responding to this section, please refer to the following definitions:

Ground rules negotiations -- negotiations over the rules by which subsequent contract negotiations will be conducted, including bargaining at the table and impasse resolution.

Basic agreement negotiations -- negotiations over the substantive labor agreement, including bargaining at the table and impasse resolution.

Impasse -- a situation in the negotiating process where the parties have become deadlocked over one or more issues.

Impasse resolution -- the process and techniques used to resolve an impasse including the services of the Federal Mediation and Conciliation Service, the Federal Service Impasses Panel, and/or other third parties.

Mediation -- a form of impasse resolution in which a neutral third party tries to facilitate a voluntary agreement between parties on issues over which they are deadlocked.

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Staff hours -- the number of staff who worked on a particular part of the negotiating process times the number of hours each staff member spent on that part of the process.

- C1. Please indicate on what date (month, day, year) the following events occurred in your negotiations. (Enter "NK" for not known or if you cannot make an estimate, and "NA" if not applicable).

(NOTE: Median number of weeks from one event to the next.)

| n= | | - |
|----|--|-------------|
| - | a. Notice of Intent to negotiate | |
| 74 | b. First day of ground rules negotiations | <u>5.4</u> |
| 74 | c. Final agreement on ground rules | <u>0.0</u> |
| 77 | d. First day of basic agreement negotiations | <u>3.9</u> |
| 93 | e. Final agreement approved by negotiators prior to agency head approval | <u>16.4</u> |

(NOTE: Median number of weeks between (b) and (e) is 22.9.)

- C2. In general, upon which one of the following sources did you rely most in providing the dates in C1? (Check only one. If a source type you used most is not listed, please specify the source under "Other.")

n=112

58.0% Records or documents
25.0% Recall by persons knowledgeable about the negotiations
6.3% Other (please specify)
10.7% Not applicable/no dates were provided

- C3. Time spent by union personnel on negotiations may or may not have been official time and, thus, paid for by the agency. Please indicate about how many staff hours your union spent on official agency time and not on official time (i.e. not paid for by the agency) (a) preparing your initial proposals, (b) negotiating ground rules, and (c) negotiating the basic agreement. It is critical that you provide estimates even if they are just guesses. Include in your estimates the time spent at the bargaining table on each type of issue, in third-party proceedings, reviewing proposals, writing memorandum, in meetings, etc. Be sure to include work done by all negotiating team members, support staff (including secretarial staff), and union officials. (Enter "NK" if an estimate is not known. If you cannot provide any estimates, check the box labeled "estimates not available" and continue to Section D.)

| | Official time | | | Not on official time | | |
|---|---------------|--------|---------------|----------------------|--------|---------------|
| | n= | Median | Total | n= | Median | Total |
| a. Preparing initial proposals | 112 | 0 | 1,801 | 115 | 40 | 10,609 |
| b. Negotiating ground rules (including bargaining at the table and impasse resolution) | 113 | 4 | 2,639 | 111 | 0 | 720 |
| c. Negotiating the basic agreement (including bargaining at the table and impasse resolution) | 114 | 95 | <u>39,959</u> | 111 | 0 | <u>21,607</u> |
| Total (a - c) | 105 | 44,399 | — | 62 | 32,936 | — |

(If estimates not available continue to section D.)

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- C4. What percentage of the staff hours information you provided in C3 was based on records and documents and what percentage was based on recall of knowledgeable persons? (Percentages should add up to 100 percent.)

| | <u>n=</u> | <u>Median</u> |
|-----------------------------------|-----------|---------------|
| Records and documents | 104 | <u>50.0%</u> |
| Recall of knowledgeable person(s) | 105 | <u>50.0%</u> |

- C5. Was a third party (e.g. Federal Mediation and Conciliation Service, Federal Service Impasses Panel, Federal Labor Relations Authority or others) involved in resolving an impasse, a negotiability appeal or an unfair labor practice charge/complaint related to your negotiations?

n=113

| | |
|----------------------------|--------------|
| Yes (continue to C6) | <u>35.4%</u> |
| No (continue to section D) | <u>64.6%</u> |

- C6. About how many of the staff hours that you reported spending in C3, on official time and not on official time, were used to prepare for and complete each of the following types of third-party involvement that occurred in your negotiations? (Please indicate answers separately for ground rules and basic agreement issues.)

| Third-party involvement | Ground rules issues | | | | | | Basic agreement issues | | | | | |
|---|----------------------|---------------|--------------|----------------------|---------------|--------------|------------------------|---------------|--------------|----------------------|---------------|--------------|
| | Official agency time | | | Not on official time | | | Official agency time | | | Not on official time | | |
| | <u>n=</u> | <u>Median</u> | <u>Total</u> | <u>n=</u> | <u>Median</u> | <u>Total</u> | <u>n=</u> | <u>Median</u> | <u>Total</u> | <u>n=</u> | <u>Median</u> | <u>Total</u> |
| Mediation by the Federal Mediation and Conciliation Service | 9 | 0 | 441 | 10 | 0 | 225 | 31 | 17 | 1,702 | 31 | 0 | 328 |
| Impasse resolution by the Federal Service Impasses Panel | 2 | 481 | 961 | 1 | 1 | 1 | 16 | 4 | 4,680 | 17 | 0 | 3,122 |
| Other third-party mediation or impasse resolution | 4 | 0.5 | 5 | 4 | 0.5 | 9 | 3 | 8 | 3,208 | 2 | 1 | 2 |
| Federal Labor Relations Authority negotiability appeals resolution | 4 | 0 | 8 | 4 | 0 | 2 | 12 | 2 | 53 | 13 | 0 | 57 |
| Federal Labor Relations Authority unfair labor practice charge/complaint resolution | 30 | 0 | <u>1,000</u> | 30 | 0 | <u>0</u> | 30 | 0 | <u>110</u> | 31 | 0 | <u>90</u> |
| Total staff hours | | | <u>2,415</u> | | | <u>237</u> | | | <u>9,753</u> | | | <u>3,599</u> |

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- C7. For each type of third-party involvement that occurred in your negotiations, how many total calendar days (including weekends) elapsed between the time third-party assistance was requested and the time the issue(s) requiring the assistance were either resolved or taken to the next step of the process? If a process was used more than once for ground rules or for basic agreement issues, add the calendar days for the multiple instances. (Please indicate answers below separately for ground rules and basic agreement issues.)

| Third-party involvement | Ground rules issues | | | Basic agreement issues | | |
|--|---------------------|--------|-------|------------------------|--------|-------|
| | n= | Median | Total | n= | Median | Total |
| Mediation by the Federal Mediation and Conciliation Service | 10 | 0 | 25 | 30 | 12 | 1,567 |
| Impasse resolution by the Federal Service Impasses Panel | 1 | 1 | 1 | 17 | 22 | 1,291 |
| Other third-party mediation or impasse resolution | 2 | 0 | 0 | 3 | 1 | 196 |
| Federal Labor Relations Authority negotiability appeals resolution | 3 | 0 | 0 | 9 | 0 | 1,970 |
| Federal Labor Relations Authority unfair labor practice charge/complaints resolution | 28 | 0 | 0 | 29 | 0 | 1,327 |
| Total | 30 | 0 | 26 | 34 | 31 | 6,351 |

- C8. What percentage of the calendar day information you provided in C7 was based on records and documents and what percentage was based on recall of knowledgeable persons? (Percentages should add up to 100 percent.)

n=35

| | |
|---------------------------------|-----|
| Records and documents | 80% |
| Recall of knowledgeable persons | 20% |

SECTION D. COST OF NEGOTIATIONS

This section asks about costs incurred by the agency and your union for union involvement in your negotiations. It is very important that we provide the Congress with as accurate an estimate as possible of all the costs for the negotiations. So, please take the time required to consult records or others in your union, if necessary, for the requested information. If your records are not sufficient to provide precise cost information, please provide the best estimates you can. As stated earlier, this information is confidential.

- D1. What were the salary or wages incurred by the union and agency for union involvement in the negotiations? Include expenditures for individuals involved in the negotiations or in support of the negotiating team. (Enter "0" if no costs were incurred. Enter "NK" if a cost is not known.)

| | n=79 | n=53 |
|----------------------|-----------|---|
| Union funds expended | | Agency funds expended for union personnel |
| \$ 0 | \$ 2,696 | |
| (Median) | (Median) | |
| \$181,126 | \$400,832 | |
| (Total) | (Total) | |

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- D2. What were the total travel and per diem costs to your union and to the agency for union personnel and the breakdown of those costs for the following phases of negotiations? (Enter "NK" if costs were incurred but precise estimates for a phase breakdown is not available.)

| | Union funds expended for union travel and per diem | | Agency funds expended for union travel and per diem | |
|--|---|----------|--|-----------|
| | n ^a | Total | n ^a | Total |
| a. Time spent preparing initial proposals | 92 | \$ 6,518 | 83 | \$ 118 |
| b. Ground rules negotiations (other than third-party proceedings) | 91 | 2,610 | 82 | 233 |
| c. Basic agreement negotiations (other than third-party proceedings) | 89 | 11,738 | 83 | 114,028 |
| d. Impasse resolution with third party | | | | |
| --Federal Mediation and Conciliation Service | 93 | 1,000 | 83 | 1,264 |
| --Federal Service Impasses Panel | 93 | 185 | 83 | 3,850 |
| --Other third party (please specify) | 92 | 0 | 83 | 0 |
| e. Negotiability dispute resolution | 93 | 383 | 82 | 0 |
| f. Unfair labor practice charge/complaint resolution | 94 | 10 | 84 | 0 |
| g. Agency head contract review | 92 | 0 | 82 | 0 |
| h. Other (please specify) | 93 | 4,840 | 83 | 0 |
| Total | | \$27,284 | | \$119,493 |
| | | ===== | | ===== |

- D3. What other costs were incurred by the union for union involvement during the negotiations? Include items such as nongovernment facilities, union printing costs, union long distance telephone calls, etc. (Please list the items and their costs separately below. Enter "NK" if a cost is not known.)

n=79

Union funds

\$9,530 (total)\$6 (median)

- D4. Generally, are the cost figures you provided based on actual or estimated cost information? (Check only one.)

n=112

23.2% Actual cost information54.5% Estimated cost information22.3% Did not provide information

SECTION E. THIRD-PARTY NEUTRAL INVOLVEMENT

The next questions concern third-party neutral involvement in your negotiations.

- E1. Was a negotiability appeal filed with the Federal Labor Relations Authority (FLRA) in connection with your negotiations?

n=117

Yes (continue to E2)

12.8%

No (continue to E3)

87.2%

Not known (continue to E3)

0.0%

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E2. Please indicate the number of separate negotiability appeals filed during each of the following stages of your negotiations. (Enter "0" if none were filed and "NK" if not known.)

| n ^a | | Number of negotiability appeals | |
|----------------|--|---------------------------------|-------|
| | | Median | Total |
| 13 | During ground rules negotiations | 0 | 0 |
| 13 | During negotiations of the basic agreement | 1 | 76 |
| 12 | During Federal Mediation and Conciliation Service (FMCS) Involvement | 0 | 13 |
| 13 | During Federal Service Impasses Panel (FSIP) Involvement | 0 | 1 |
| 14 | Other (please specify) | 0 | 1 |

E3. For all negotiability appeals related to these negotiations, please indicate the number resolved in each of the following manners. (Enter "NK" if not known.)

| n ^a | | Number of negotiability appeals | |
|----------------|--|---------------------------------|--|
| | | Total | |
| 14 | Found negotiable by FLRA | 10 | |
| 14 | Found nonnegotiable by FLRA | 5 | |
| 14 | Ruled a mixed decision (i.e., some issues decided in favor of the agency and others decided in favor of the union) by FLRA | 1 | |
| 14 | Dismissed by FLRA | 2 | |
| 15 | Withdrawn | 5 | |
| 15 | Not yet decided | 61 | |

E4. As a result of a negotiability appeal, how many calendar days (including weekends), if any, were negotiations on other issues delayed while the appeal was being resolved? (Enter "0" if there were no delays. Enter "NK" if not known.)

n=12

0 (median)

Calendar days

These next questions ask about assistance by the Federal Mediation and Conciliation Service (FMCS), the Federal Service Impasses Panel (FSIP), and other impasse resolution services in your negotiations.

E5. Was the negotiated agreement an initial agreement or a renegotiation of an existing agreement?

n=119

Initial agreement (continue to E6) 16.8%Renegotiation of an existing agreement(continue to E7) 83.2%

E6. When, if at all, was FMCS notified of your negotiations?

n=11

27.3% Did not notify FMCS of the negotiations72.7% Prior to at the table negotiations0.0% Less than 30 days after beginning at the table negotiations0.0% 30 days or more after beginning at the table negotiations0.0% Not known0.0% Other (please specify)

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(After answering E6, continue to E8)

E7. (Only answer E7 if the agreement was a renegotiation of an existing agreement or a local supplemental to a master agreement.) When, if at all, was FMCS notified of your negotiations?

n=67

- 25.4% Did not notify FMCS of the negotiations
- 47.8% 30 days or more before prior agreement expired
- 13.4% Less than 30 days before prior agreement expired
- 9.0% After the prior agreement expired
- 0.0% Not known
- 4.5% Other (please specify)

E8. Did FMCS provide mediation assistance in your negotiations on your current agreement?

n=114

- | | |
|----------------------|--------------|
| Yes (continue to E9) | <u>33.3%</u> |
| No (continue to E14) | <u>66.7%</u> |

E9. For mediation assistance FMCS may have provided during ground rules and basic agreement negotiations, did management, the union, or both parties jointly request the assistance? (Check all that apply.)

n=38

| | Ground rules negotiations | | Basic agreement negotiations | |
|---------------|---------------------------|---------------|------------------------------|--------------|
| | Yes | No | Yes | No |
| Management | <u>0.0%</u> | <u>100.0%</u> | <u>7.9%</u> | <u>92.1%</u> |
| Union | <u>15.8%</u> | <u>84.2%</u> | <u>34.2%</u> | <u>65.8%</u> |
| Joint request | <u>5.3%</u> | <u>94.7%</u> | <u>50.0%</u> | <u>50.0%</u> |

E10. How many calendar days (including weekends) had elapsed between the start of at the table negotiations and the first request for FMCS assistance? Calendar days elapsed during basic agreement negotiations should be counted from the beginning of basic agreement negotiations. (Please indicate your answer separately for mediation of ground rules and basic agreement issues. Enter "NK" if not known.)

n=10

n=28

| | Ground rules negotiations | Basic agreement negotiations |
|--|--------------------------------------|---------------------------------------|
| | <u>2.5 (median)</u> Calendar days | <u>27.5 (median)</u> Calendar days |

E11. How many hours had you spent bargaining at the table before the first request for FMCS assistance? Hours spent bargaining at the table on the basic agreement should be counted from the beginning of basic agreement negotiations. (Please indicate your answer separately for mediation of ground rules and basic agreement issues. Enter "NK" if not known.)

n=10

n=26

| | Ground rules negotiations | Basic agreement negotiations |
|--|----------------------------|------------------------------|
| | <u>2 (median)</u> Hours | <u>77 (median)</u> Hours |

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E12. The term "Issues" refers to subjects such as hours of work, merit promotion, official time, performance appraisal, etc. How many different issues did PMCS mediate during your negotiations? (Please indicate your answer separately for ground rules and basic agreement issues. Enter "NK" if not known.)

| n=9 | n=31 |
|---------------------------|------------------------------|
| Ground rules negotiations | Basic agreement negotiations |
| <u>0 (median)</u> | <u>4 (median)</u> |
| <u>4 (total)</u> | <u>195 (total)</u> |
| Issues | Issues |

E13. How many of these mediated issues required further third-party assistance (FSIP involvement or others)? (Please indicate your answer separately for ground rules and basic issues. Enter "NK" if not known.)

| n=3 | n=29 |
|---------------------------|------------------------------|
| Ground rules negotiations | Basic agreement negotiations |
| <u>0 (total)</u> | <u>47 (total)</u> |
| Issues | Issues |

E14. Were the services of FSIP requested during your negotiations?

| n=117 | |
|---------------------------------------|--------------|
| Yes (continue to question E15) | <u>16.2%</u> |
| No (continue to question E19) | <u>83.8%</u> |
| Don't know (continue to question E19) | <u>0.0%</u> |

E15. Please indicate the number of Impasses filed with FSIP during ground rules negotiations and during basic agreement negotiations. (Enter "0" if none were filed and "NK" if the number is not known.)

| # | Impasses | |
|----|------------------------------|----------|
| | Median | Total |
| 17 | Ground rules negotiations | <u>0</u> |
| 17 | Basic agreement negotiations | <u>2</u> |
| 19 | Don't know when filed | <u>0</u> |

E16. How many of the Impasses on which FSIP issued a Decision and Order were resolved in favor of the agency, in favor of the union, by a mixed decision (i.e., some issues resolved in favor of the agency and others resolved in favor of the union), or in some other manner? (Enter "NK" if not known.)

| # | Impasses | |
|----|------------------------|-----------|
| | Total | |
| 16 | Agency | <u>14</u> |
| 17 | Union | <u>12</u> |
| 17 | Mixed decision | <u>8</u> |
| 18 | Other (please specify) | <u>1</u> |

E17. Were any of the impasse(s) on which FSIP assisted settled voluntarily between the parties?

| n=19 | |
|--------------------------------|--------------|
| Yes (continue to question E18) | <u>57.9%</u> |
| No (continue to question E19) | <u>42.1%</u> |

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E18. To what extent, if any, was (were) each of the impasse technique(s) used by FSIP instrumental in achieving voluntary settlement? (Check "does not apply" for technique(s) not used by FSIP.)

| N ^o 9 | Written submission | Instrumental to a great extent | Instrumental to a moderate extent | Instrumental to some extent | Instrumental to a little extent | Not at all instrumental | Does not apply |
|---------------------|--|--------------------------------------|---|-----------------------------------|---------------------------------------|----------------------------|-------------------|
| | | <u>44.5%</u> | <u>-</u> | <u>-</u> | <u>11.1%</u> | <u>11.1%</u> | <u>33.3%</u> |
| 8 | Mediation | <u>12.5%</u> | <u>12.5%</u> | <u>25.0%</u> | <u>-</u> | <u>12.5%</u> | <u>37.5%</u> |
| 9 | Factfinding hearing | <u>33.3%</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>11.1%</u> | <u>55.6%</u> |
| 6 | Arbitration | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>100.0%</u> |
| 6 | Outside third- party arbitration | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>100.0%</u> |
| 7 | Mediation/ arbitration | <u>14.3%</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>14.3%</u> | <u>71.4%</u> |
| 7 | Other | <u>14.3%</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>85.7%</u> |

E19. Other than the services provided by or through FMCS and FSIP, what, if any, other impasse resolution services did you use in your negotiations? (Check "None" if others were not used. Enter "NK" if not known.)

n=118

94.9% None

SECTION F. THE LABOR/MANAGEMENT RELATIONSHIP

These last questions concern your perceptions of the labor/management relationship between the parties covered by this agreement.

F1. Please briefly describe what you consider to be an excellent labor/management relationship.

F2. Please briefly describe what you consider to be a poor labor/management relationship.

F3. Circle the number on the scale below, from very poor to excellent, which best describes how you perceive the labor/management relationship between the parties to this agreement.

n=121

- | | | |
|---|--------------|-----------|
| 1 | <u>10.7%</u> | Very poor |
| 2 | <u>5.8%</u> | |
| 3 | <u>9.9%</u> | |
| 4 | <u>10.8%</u> | |
| 5 | <u>13.2%</u> | |
| 6 | <u>21.5%</u> | |
| 7 | <u>28.1%</u> | Excellent |

F4. What are the major factors which led you to characterize the relationship as you did in F3?

F5. Please give any comments you may have on federal labor/management negotiations and on how long the negotiations take. Suggestions, if any, for improving the process would also be appreciated. Thank you.

n=122

- 67.2% Comment
32.8% No comment

LABOR CONTRACT NEGOTIATIONS CASE STUDIES

The following case examples describe the events that transpired during three different contract negotiations and illustrate how the contract negotiations can vary. No scientific method was used to select these case examples, and they are in no way intended to be representative or typical of all contract negotiations.

General Services Administration
and American Federation of
Government Employees, Council 236

Negotiations of this Council 236 initial national consolidated unit contract took 19 months to complete. Approximately 16,200 management staff hours and 6,935 hours of agency paid union time were spent. The reported cost to the government was \$324,300, approximately \$167,300 for management involvement and \$157,000 for agency paid union involvement for salary, wages, travel, per diem, and other expenses. In addition, the union reported spending \$10,000 of its own funds.

An average of 8 union negotiators represented the newly certified consolidated unit covering approximately 13,300 agency employees throughout the country. The agency was represented by an average of seven negotiators.

The following is a chronology of events that transpired during the contract negotiations:

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| <u>Date</u> | <u>Event</u> |
|-----------------|---|
| October 1, 1980 | Notice of intent to negotiate by the union. |
| October 1980 | Ground rules negotiations began. |
| May 18, 1981 | Final agreement reached on ground rules. |
| July 7, 1981 | First day of basic agreement negotiations. |
| August 21, 1981 | Union filed negotiability appeal with FLRA over competitive areas to be used in reduction-in-force situations. |
| November 1981 | Agency and union were at impasse. The agency reported seven articles were in dispute and the union reported eight articles. FMCS certification needed to proceed to FSIP took 2 weeks, which included switching mediators. The first mediator was removed to work on a private sector case. |
| December 1981 | Impasse submitted to FSIP. Parties finally agreed to use mediation/arbitration. |
| April 1982 | Arbitrator issued decision. Agency reported that the decision was a compromise while the union felt it was decided in its favor. |
| April 10, 1982 | Final agreement approved by negotiators prior to agency head approval. |
| May 5, 1982 | Agency head and union approved contract. |
| May 18, 1982 | General Services Administration's Administrator and American Federation of Government Employees' President signed national agreement. |

Several factors contributed to the length of the negotiations. According to the union's replacement chief negotiator, both the original management and union chief negotiators were replaced because of their inability to resolve a stalemate during ground rules negotiations. Ground rules negotiations took 7-1/2 of the 9 months spent on negotiations. The inability to reach agreement on seven or eight contract articles was also cited by both parties as a reason for delay.

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Third-party assistance was required a number of times during the negotiations. The union filed an appeal with FLRA concerning the negotiability of the competitive areas to be used in reduction-in-force procedures. It was reported that the filing did not delay the negotiations. The union reported that the issue was decided in its favor after contract negotiations were completed. The agency reported that the decision was a compromise of both parties positions. The union also filed two ULP charges, which were withdrawn.

FMCS mediation assistance was required to help resolve the seven or eight unresolved basic agreement negotiation issues. The parties reported that only from 1 to 3 calendar days were spent in mediation before FSIP assistance was requested. Both parties agreed to use mediation/arbitration as the impasse resolution technique and FSIP appointed a mediator/arbitrator. The mediator/arbitrator helped the parties reach agreement on all but one of the issues, which was then decided by the mediator/arbitrator.

The agency reported that it took 120 management staff hours over a period of 56 calendar days, and the union reported 192 hours of union official time and 160 hours not on official time over a period of 95 calendar days for these issues to be resolved at FSIP.

Agency management characterizes their labor-management relationship with the union Council 236 as very good and attributes it to their ability to work out most of their disputes without third-party intervention. On the other hand, the union characterizes their relationship with the agency as very poor. The union cites the agency's refusal to honor parts of the labor agreement and resorting to arbitration on these matters as a primary reason.

Military Sealift Command,
Pacific and Seafarers International
Union, Oakland, California

These negotiations, from the date of the notice of intent to negotiate to the time of agency head approval, were completed in less than a month. No neutral third-party involvement was requested.

The agency estimated that 81 hours of management staff time were required to negotiate the agreement at a cost of \$2,200 in salary and wages. No other agency costs were incurred for either union involvement in the negotiations or for travel, per diem, or other costs.

The following is a chronology of events that transpired during the contract negotiations:

| <u>Date</u> | <u>Event</u> |
|-------------------|--|
| February 2, 1982 | Notice of intent to negotiate by the union. |
| February 4, 1982 | First day of ground rules negotiations. |
| February 4, 1982 | Final agreement on ground rules. |
| February 10, 1982 | First day of basic agreement negotiations. |
| February 19, 1982 | Final agreement approved by negotiators prior to agency head approval. |
| February 25, 1982 | Agency head and union approval. |

The labor agreement was negotiated and approved during the month of February 1982 and became effective on March 28, 1982. The prior labor agreement, negotiated for a 2-year term with a 1-year extension, expired on June 22, 1979. Approximately 18 months elapsed from the expiration of the 1-year renewal to the start of negotiations, which were requested by the union. During this interim period, management honored the prior agreement as if it were still in effect.

A major factor contributing to the delay in beginning negotiations on the current contract was that the union, formerly Military Sea Transport Union, underwent a reorganization. The union, now known as Seafarers International Union, represents 85,000 members worldwide, of which 8 percent are federal government employees who are represented by its Government Services Division.

Two union negotiators represented the single local bargaining unit, which consists of approximately 306 general schedule, 16 wage grade, and 22 professional employees. The agency was also represented by two negotiators.

Agency management characterizes their labor-management relationship with the union as excellent. They attribute "complete understanding between the parties involved" and a "desire of all concerned to be fair and reach satisfactory understanding and compromises" as factors which aided the parties in reaching an agreement.

In contrast, the union did not consider their relationship as successful as depicted by the agency; however, they characterized it as congenial.

Social Security Administration and
American Federation of Government Employees

Completion of the negotiations of this initial national consolidated unit contract took almost 2 years and cost the government approximately \$1.4 million, according to the agency. Of the \$1.4 million, approximately \$933,856 was spent for agency management involvement and \$461,912 for agency paid union involvement for salary, wages, travel, per diem, and other expenses. Approximately 36,144 management staff hours and 22,768 hours of agency paid union time were spent. In addition, the union reported spending \$92,322 of its own funds which included 5,209 hours of staff time not paid for by the agency.

The agency reported that an average of 7 negotiators represented the agency during their contract negotiations and that throughout the negotiations as many as 14 different individuals served as management negotiators. The union had an equal average number of negotiating team members and as many as 16 different individuals serving as negotiators representing the approximately 62,885 employees in the bargaining unit.

The following table is a chronology of events that transpired during the contract negotiations:

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| <u>Date</u> | <u>Event</u> |
|-------------------|---|
| January 23, 1980 | Notice of intent to negotiate. |
| March 5, 1980 | First day of ground rules negotiations. |
| March 6, 1980 | Final agreement on ground rules. |
| June 10, 1980 | First day of basic agreement negotiations. |
| February 5, 1981 | FMCS accepted jurisdiction to mediate. |
| February 15, 1981 | Negotiability appeal filed by the union. |
| May 1981 | Two ULP charge filed--one by the union and one by management. FMCS completed mediation efforts. |
| June 30, 1981 | Union requested impasse resolution by FSIP on 33 articles. |
| October 1981 | ULP charge filed by the union. Mediation/arbitration began. |
| December 21, 1981 | Final agreement approved by negotiators prior to agency head approval. One issue remained unresolved. |
| February 16, 1982 | Remaining issue mediated by mediator/arbitrator. |
| April 1982 | Union ratification |

During negotiations FMCS assistance was requested to help resolve the impasse reached on 39 contract articles. The agency reported that its management spent 3,360 staff hours over a period of 76 calendar days and the union reported 1,624 staff hours on official time over a period of 450 calendar days to prepare for and complete this phase of their impasse resolution.

Thirty-three articles, according to both parties, remained unresolved after the FMCS mediation efforts. FSIP assistance was then requested. In response to the parties' request for help, FSIP directed them to use mediation/arbitration. The agency reported that 368 management staff hours over a period of 80 calendar days and the union reported that 8 staff hours on official time and 104 staff hours not on official time over a period of 170 calendar days were spent with FSIP on the case. An additional 3,952 staff hours over a period of 92 calendar

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days were spent by management, and 2,072 staff hours on official time and 1,998 staff hours not on official time over a period of 90 calendar days were spent by the union in mediation/arbitration to resolve the remaining issues. The mediation/arbitration cost the parties over \$21,000.

A negotiability appeal was filed with FLRA during basic agreement negotiations. However, the appeal was eventually withdrawn after the impasse was resolved. In addition, three ULP charges were filed. The ULP charge filed by the agency was eventually withdrawn and the two filed by the union were dismissed by FLRA.

The agency characterizes their relationship with the union as poor. They stated that because there are few pressures, such as deadlines and cost/expenses, built into the federal bargaining system it does not provide incentives for the parties to reach bilateral agreement.

The union also characterizes their relationship with the agency as poor. They stated that the most obvious ingredient of expeditious and effective negotiation is the desire of both parties to obtain a contract. They believed that this ingredient was missing because the agency tried to prolong the bargaining as much as possible.

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